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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**

15 JANE DOE, f/k/a KRISTY ALTHAUS,
16 an individual,

17 Plaintiff,

18 v.

19 AYLO GLOBAL ENTERTAINMENT
INC., a Delaware corporation; AYLO
20 USA INCORPORATED, a Delaware
corporation; AYLO BILLING US
21 CORP., a Delaware corporation;
ETHICAL CAPITAL PARTNERS, a
22 foreign entity; MINDGEEK S.A.R.L., a
foreign entity; MG FREESITES, LTD.,
23 d/b/a "PORN HUB," a foreign entity;
MINDGEEK USA INCORPORATED,
24 a Delaware corporation; 9219-1568
QUEBEC, INC., a foreign entity; and
25 MG BILLING US CORP., a Delaware
corporation,

26 Defendants.
27
28

Case No.

COMPLAINT FOR DAMAGES

1. 18 U.S.C. §§ 1591(a)(2), 1595
2. 18 U.S.C. §§ 1591(a)(1), 1595
3. 18 U.S.C. §§ 1594(c), 1591(a), 1595
4. 18 U.S.C. §§ 1594(a), 1591, 1595
5. 18 U.S.C. §§ 2, 1591(a)(1), (2), 1595
6. 15 U.S.C. § 1125(a)
7. Cal. Civ. Code § 52.5
8. Cal. Civ. Code § 1708.85
9. Cal. Civ. Code § 3344(a)
10. Right of Publicity
11. Right of Privacy
12. False Light
13. IIED

[Pseudonym Status Warranted, Action
Based on Civil Code § 1708.85]

JURY TRIAL DEMANDED

1 **COMPLAINT FOR DAMAGES AND DEMAND FOR JURY TRIAL**

2 Plaintiff Jane Doe, f/k/a Kristy Althaus, (“Plaintiff”), by and through her
 3 attorneys, BOUCHER LLP and BURG SIMPSON ELDREDGE HERSH &
 4 JARDINE, P.C., hereby submits her complaint for damages and other relief for
 5 violations of the United States anti-sex trafficking statute, the Trafficking Victim
 6 Protection Reauthorization Act (TVPRA), 18 U.S.C. § 1591, *et seq.*, The Lanham
 7 Act, 15 U.S.C. § 1125(a), California’s anti-trafficking statute, the California
 8 Trafficking Victims Protection Act (CTVPA), Cal. Civ. Code § 52.5, California
 9 Distribution of Private Sexually Explicit Materials, Cal. Civ. Code § 1708.85,
 10 California Commercial Misappropriation of Likeness, Cal. Civ. Code § 3344(a),
 11 California’s right of publicity, California’s constitutional right to privacy, Cal. Const.,
 12 Art. I § 1, California’s false light invasion of privacy, and intentional infliction of
 13 emotional distress against Defendants AYLO GLOBAL ENTERTAINMENT INC.,
 14 a Delaware corporation; AYLO USA INCORPORATED, a Delaware corporation;
 15 AYLO BILLING US CORP., a Delaware corporation; ETHICAL CAPITAL
 16 PARTNERS, a foreign entity; MINDGEEK S.A.R.L., a foreign entity; MG
 17 FREESITES, LTD., d/b/a “PORN HUB,” a foreign entity; MINDGEEK USA
 18 INCORPORATED, a Delaware corporation; 9219-1568 QUEBEC, INC., a foreign
 19 entity; and MG BILLING US CORP., a Delaware corporation (hereinafter
 20 collectively “Defendants” or “MindGeek”).

21 **INTRODUCTION**

22 1. Sex trafficking is a pervasive evil that has left an indelible stain on the
 23 fabric of society.

24 2. It is a global crime with enormous profits, generating an estimated \$99
 25 billion per year.¹

26 3. Unfortunately, pornography directly fuels this insatiable demand for
 27

28 ¹ INT’L LAB. ORG., PROFITS AND POVERTY: THE ECONOMICS OF FORCED LABOR 7, 13, 15 (2014).

1 sexual exploitation and MindGeek—owner and operator of the vast majority of
2 internet pornography—is an all too willing partner in these crimes.

3 4. Recent estimates suggest as many as 4.8 million women and children fall
4 victim to sex trafficking throughout the United States and globally each year.²

5 5. Plaintiff is one such surviving victim. Threatened, coerced, and
6 physically and sexually assaulted, Plaintiff was forced to succumb to the demands of
7 the GirlsDoPorn sex trafficking venture, entirely sustained by MindGeek’s vast online
8 network.

9 6. As sex trafficking has grown to epidemic proportions, it has become
10 widely recognized that our laws must look beyond the individual sex traffickers and
11 buyers to effectively deter and prevent these crimes. Congress therefore enacted the
12 William Wilberforce TVPRA of 2008 to expand civil liabilities against anyone who
13 not only directly perpetrates sex trafficking crimes, but also anyone who knowingly
14 benefits from their negligent or reckless participation in a sex trafficking venture.

15 7. Here, MindGeek is liable for both.

16 8. This lawsuit arises from MindGeek’s willful involvement in Michael
17 Pratt’s widespread and publicized GirlsDoPorn sex trafficking venture, resulting in
18 millions of dollars earned by MindGeek at the expense of human life, human rights,
19 and human dignity.

20 9. Despite its actual or constructive knowledge that GirlsDoPorn used
21 force, fraud, and coercion to film young women in pornographic videos, MindGeek
22 continued to offer its global platform, internet distribution channels, and financial
23 lifeline to the GirlsDoPorn criminal enterprise for over a decade.

24 10. Countless women, including Plaintiff, reported to MindGeek that the
25 GirlsDoPorn videos were unlawful and that online distribution was done without their
26

27 ² INT’L LAB. ORG., GLOBAL ESTIMATES OF MODERN SLAVERY: FORCED LABOR AND FORCED
28 MARRIAGE 39 (2017).

1 consent.

2 11. MindGeek callously ignored these victims' harrowing pleas to remove
3 unlawful content, choosing instead to offer its world-wide distribution channels and
4 financial support to the GirlsDoPorn sex trafficking venture. MindGeek categorically
5 prioritized its profits and partnership with GirlsDoPorn over the well-being and future
6 of young people, like Plaintiff.

7 12. However, MindGeek did not just provide the global platform and
8 revenue stream for GirlsDoPorn's sex trafficking, it participated in publicly exploiting
9 and humiliating GirlsDoPorn victims, including Plaintiff, distributing the unlawful
10 content among MindGeek's vast network of pornography websites.

11 13. In violation of both federal and state law, MindGeek further advertised
12 GirlsDoPorn content, with the despicable knowledge that the videos were filmed
13 through force, fraud, and coercion and distributed without the victim's consent.

14 14. GirlsDoPorn marketed its business as selling content featuring women
15 who were not professional porn stars, but rather were appearing in their first and only
16 video.

17 15. MindGeek knew, based on this business model, that GirlsDoPorn needed
18 to film a steady stream of young women, ages 18-23, who had never previously
19 engaged in pornography and who did not want a career in pornography.

20 16. MindGeek further received numerous reports from Plaintiff and other
21 victims about GirlsDoPorn's fraudulent and illegal practices, exploitation of power
22 disparity, harassment, intimidation, threats of force, force, and other forms of assault
23 and coercion which led to the commercial filming of their sex acts.

24 17. Nevertheless, MindGeek knowingly and maliciously promoted,
25 participated, and profited from the GirlsDoPorn sex trafficking venture, accepting the
26 criminal enterprise into its Content Partner and Premium Viewshare Programs.

27 18. In willful and reckless disregard of Plaintiff's and other's rights,
28 MindGeek partnered with GirlsDoPorn to maximize views of sex trafficking content,

1 increase customer subscriptions, and generate millions of dollars from the unlawful
2 distribution and advertising of GirlsDoPorn videos.

3 19. Even after federal law enforcement seized and shut-down
4 GirlsDoPorn in October 2019, MindGeek continued hosting, distributing, and
5 advertising the unlawful content, including the sex trafficking videos of Plaintiff.

6 20. While GirlsDoPorn's principals and staff were criminally prosecuted,
7 MindGeek enjoyed a steady stream of revenue exploiting Plaintiff's name, images,
8 identity, and videos for its own business and financial gain.

9 21. Plaintiff has been irrevocably harmed by MindGeek's willful and
10 wrongful choice to profit off the exploitation of Plaintiff and others like her. She
11 brings this action to enjoin MindGeek's further unlawful conduct and seeks
12 compensation for the harm and losses she sustained as a result. Plaintiff makes these
13 allegations upon personal knowledge and information and belief that substantial
14 evidentiary support exists, and will exist, after a reasonable opportunity for
15 discovery.³

16 **THE PARTIES**

17 **A. PLAINTIFF**

18 22. Plaintiff is a United States citizen and was at all relevant times a resident
19 of and domiciled in the State of Colorado.

20
21 ³ Plaintiff incorporates by reference as though fully set forth herein: (a) all pleadings from the
22 GirlsDoPorn state court action (*Jane Does Nos. 1-4 v. GirlsDoPorn.com*, Complaint, No. 37-2016-
23 00019027-CU-FR-CTL (Cal. Super. Ct. Jun. 2, 2016); *Jane Doe Nos. 1-14*, Second Amended
24 Complaint, No. 37-2016-00019027-CU-FR-CTL (Cal. Super. Ct. Mar. 13, 2017); *Jane Doe Nos.*
25 *17-22 v. GirlsDoPorn.com*, Complaint, No. 37-2017-00043712-CU-FR-CTL (Cal. Super. Ct. Nov.
26 8, 2017) (collectively, "GDP State Action")), attached hereto in relevant part as Exhibits 1a, 1b, and
27 1c, respectively; (b) *Jane Doe Nos. 1-22 v. GirlsDoPorn.com*, Statement of Decision, Nos. 37-
28 2016-00019027-CU-FR-CTL, 37-2017-00033321-CU-FR-CTL, 37-2017-00043712-CU-FR-CTL
(Cal. Super. Ct. Apr. 27, 2020), attached hereto as Exhibit 2; and (c) all pleadings from the related
MindGeek federal court action (*Jane Doe Nos. 1-40 v. MG Freesites, Ltd.*, Complaint, No. 3:20-CV-
02440-W-RBB (S.D. Cal. Dec. 15, 2020), attached hereto as Exhibit 3; *Jane Doe Nos. 1-50 v. MG*
Freesites, Ltd., First Amended Complaint, No. 3:20-CV-02440-WQH-KSC (S.D. Cal. Apr. 1,
2021), attached hereto as Exhibit 4 (collectively "MindGeek Federal Action").

1 23. Plaintiff proceeds under the pseudonym Jane Doe, f/k/a Kristy Althaus,
2 pursuant to California Civil Code § 1708.85(f)(1) to protect her identity because of
3 the sensitive and highly personal nature of this matter, which involves sex trafficking,
4 sex assault, harassment, and threats of force.

5 24. Plaintiff's decision to use the pseudonym Jane Doe was informed, in
6 part, by the historical harassment, threats, and scrutiny she received from the public
7 after the subject videos were published and widely distributed on the Internet without
8 her consent.

9 25. In addition to being regularly harassed, threatened, and scrutinized,
10 Plaintiff has been unable to obtain job opportunities and maintain healthy
11 relationships. Because of Defendants' actions, Plaintiff had no choice but to change
12 her legal name, which she intends to safeguard from the public.

13 26. Due to the nature of this controversy, Plaintiff is at serious risk of
14 continued threats, harassment, and harm. Despite changing her legal name, Plaintiff
15 has been repeatedly followed and harassed as a result of Defendants' conduct alleged
16 herein. As recently as May-June 2023, Plaintiff was assaulted at her home by a self-
17 described Pornhub subscriber who confronted her about the recent removal of the
18 subject videos from Defendants' websites. The subscriber did not act alone and was
19 with other male individuals terrifying Plaintiff. Unidentified men continue to
20 approach Plaintiff's home at all hours of the day and night. Plaintiff fears for her life
21 and safety, as well as the lives and safety of people close to her.

22 27. Plaintiff's safety, security, and right to privacy outweigh the public
23 interest in her identification.

24 28. Plaintiff's legitimate concerns outweigh any prejudice to Defendants by
25 allowing her to proceed anonymously. Plaintiff will agree to reveal her identity to the
26 Defendants for the limited purpose of investigating her claims once the parties are
27 governed by a protective order. She seeks redaction of her personal identifying
28 information from the public docket and assurances that Defendants will not use or

1 publish her identity in a manner that will compromise her personal life and safety.

2 **B. DEFENDANTS**

3 **1. MindGeek Defendants**

4 29. Defendant MINDGEEK S.A.R.L. is a foreign entity incorporated in
5 Luxembourg conducting business throughout the United States, including within the
6 Central District of California. MINDGEEK S.A.R.L.’s principal place of business is
7 located at 7777 Decarie Boulevard, Montreal, Quebec, H4P 2H2, Canada, with
8 satellite offices in San Diego, Los Angeles, San Francisco, London, Bucharest
9 (Romania), and Nicosia (Cyprus).

10 30. Originally known as Man Win, MINDGEEK S.A.R.L. is the
11 consolidation of two large pornography companies, i.e. Mansef and InterTube.

12 31. On information and belief, MINDGEEK S.A.R.L. has acquired
13 numerous competing businesses and now owns and operates over one hundred (100)
14 pornographic websites, production companies, and brands. By doing so, it owns
15 and/or controls the majority of pornography on the Internet, including among others,
16 websites PornHub.com, YouPorn.com, RedTube.com, Xtube.com, and Tube8.com.

17 32. On information and belief, MINDGEEK S.A.R.L. operates its websites
18 through its subsidiary MG FREESITES, LTD.

19 33. On information and belief, MINDGEEK S.A.R.L. changed its name to
20 AYLO last month in August 2023.

21 34. Defendant MG FREESITES, LTD., dba “PORN HUB,” is a foreign
22 entity incorporated in the Republic of Cyprus, with an address of Block 1, Dali
23 Industrial Area, 195-197 Old Road Nicosia-Limassol, Dali, 2540 Cyprus, and
24 conducting business throughout the United States, including within the Central
25 District of California.

26 35. MG FREESITES, LTD. is a wholly owned subsidiary of MINDGEEK
27 S.A.R.L., either directly or through intermediary companies that are also under the
28 control of MINDGEEK S.A.R.L. and is predominantly under the control of and

1 operated by directors, officers, and employees working in MindGeek's offices in the
2 United States and Canada.⁴

3 36. Defendant MINDGEEK USA INCORPORATED is a corporation
4 incorporated in the State of Delaware conducting business throughout the United
5 States, including the Central District of California. Its principal address is located at
6 21800 Oxnard Street, Suite 150, Woodland Hills, California 91367 in this District.

7 37. MINDGEEK USA INCORPORATED is a wholly owned subsidiary of
8 MINDGEEK S.A.R.L., either directly or through intermediary companies that are
9 also under the control of MINDGEEK S.A.R.L.⁵

10 38. Defendant 9219-1568 QUEBEC, INC., dba "MindGeek," is a foreign
11 entity organized and existing under the laws of Canada with a principal place of
12 business located 7777 Decarie Boulevard, Montreal, Quebec, H4P 2H2, Canada. It is
13 a wholly owned subsidiary of MINDGEEK S.A.R.L., either directly or through
14 intermediary companies that are also under the control of MINDGEEK S.A.R.L.⁶

15 39. Upon information and belief, 9219-1568 QUEBEC, INC. employs
16 numerous employees to operate a portfolio of pornographic websites and conducts
17 business throughout the United States, including the Central District of California.

18 40. Defendant MG BILLING US CORP. is a corporation incorporated in the
19 State of Delaware with a principal address of 21800 Oxnard Street, Suite 150,
20 Woodland Hills, California 91367. It is a wholly owned subsidiary of MINDGEEK
21 S.A.R.L., either directly or through intermediary companies that are also under the

22 _____
23 ⁴ Plaintiff incorporates by reference as though fully set forth herein MindGeek's Corporate
24 Disclosure Statements in the MindGeek Federal Action: (a) MindGeek USA, Inc., MG Freesites
25 Ltd, and MindGeek S.a.r.l. Notice of Parties with Financial Interest, ECF No. 11 (Jan. 8, 2021),
attached hereto as Exhibit 5; and (b) 9219-1568 Quebec Inc. and MG Billing US Corp. Notice of
Parties with Financial Interest, ECF No. 27 (Apr. 23, 2021), attached hereto as Exhibit 6.

26 ⁵ See Ex. 5.

27 ⁶ See Ex. 6.

1 control of MINDGEEK S.A.R.L., and conducts business throughout the United
2 States, including the Central District of California.⁷

3 41. Upon information and belief, MG BILLING US CORP. is a credit card
4 processing company that that works to operate and/or manage the subscription
5 services for one or more of MindGeek’s pornographic websites.

6 **2. Rebranding of MindGeek Defendants**

7 42. Defendant ETHICAL CAPITAL PARTNERS is a foreign private equity
8 firm that, on information and belief, was created in 2022 for the purpose of acquiring
9 stock of one or more of the MindGeek entities on or about March 16, 2023, due to
10 MindGeek’s legal troubles and exposure. Several of the partners and/or directors of
11 ETHICAL CAPITAL PARTNERS are also criminal defense attorneys. The principal
12 place of business of ETHICAL CAPITAL PARTNERS is located at 200 Elgin Street,
13 Suite 403, Ottawa, ON K2P 1L5.

14 43. ETHICAL CAPITAL PARTNERS and the MINDGEEK Defendants
15 rebranded MINDGEEK to the brand name AYLO last month in August 2023 due to
16 “the need for a fresh start.”⁸ Upon information and belief, business entities associated
17 with MINDGEEK, n/k/a AYLO, were renamed and/or newly established.

18 44. Defendant AYLO GLOBAL ENTERTAINMENT INC. is a corporation
19 incorporated in the State of Delaware conducting business throughout the United
20 States, including the Central District of California. Its principal address is located at
21 21800 Oxnard Street, Suite 150, Woodland Hills, California 91367 in this District.

22 45. Upon information and belief, Defendant AYLO GLOBAL
23 ENTERTAINMENT INC. is a parent company for AYLO USA INCORPORATED
24

25 ⁷ See Ex. 6.

26 ⁸ Todd Spangler, *Pornhub Parent Company Changes Name to Aylo, Aimed at Giving Adult-*
27 *Entertainment Purveyor ‘Fresh Start’*, VARIETY (Aug. 18, 2023, 9:46 PM), <https://variety.com/2023/digital/news/pornhub-parent-name-change-aylo-adult-entertainment-1235700312/>.
28

1 and AYLO BILLING US CORP.

2 46. Defendant AYLO USA INCORPORATED is a corporation incorporated
3 in the State of Delaware conducting business throughout the United States, including
4 the Central District of California. Its principal address is located at 21800 Oxnard
5 Street, Suite 150, Woodland Hills, California 91367 in this District. AYLO USA
6 INCORPORATED has the same business address as MINDGEEK USA
7 INCORPORATED.

8 47. Upon information and belief, AYLO USA INCORPORATED is a
9 wholly owned subsidiary of AYLO GLOBAL ENTERTAINMENT INC., or other
10 entity previously owned by the MINDGEEK owners, either directly or through
11 intermediary companies that were also under the control of MINDGEEK.

12 48. Defendant AYLO BILLING US CORP. is a corporation incorporated in
13 the State of Delaware conducting business throughout the United States, including the
14 Central District of California. Its principal address is located at 21800 Oxnard Street,
15 Suite 150, Woodland Hills, California 91367. AYLO BILLING US CORP. has the
16 same business address as MG BILLING US CORP.

17 49. Upon information and belief, AYLO USA INCORPORATED is a
18 wholly owned subsidiary of AYLO GLOBAL ENTERTAINMENT INC., or other
19 entity previously owned by the MINDGEEK owners, either directly or through
20 intermediary companies that were also under the control of MINDGEEK.

21 50. Upon information and belief, AYLO BILLING US CORP. is a credit
22 card processing company that that works to operate and/or manage the subscription
23 services for one or more of Defendants' pornographic websites.

24 **C. SUCCESSOR LIABILITY**

25 51. Herein, Defendants and/or MindGeek refers to the above referenced
26 entities in paragraphs 29-50 and all of their successor companies, parent companies,
27 subsidiaries, affiliates, directors, and/or officers.

28 52. Over many years, MindGeek's corporate grouping has included more

1 than one hundred fifty (150) subsidiaries, sister companies, successor companies
2 around the world, including the United States.⁹

3 53. The complete details of MindGeek's complex, ever-changing network of
4 related companies is unknown to Plaintiff at this time. On information and belief,
5 MINDGEEK S.A.R.L. exercised the complete control and direction of the finances,
6 policy, and business practices of the MindGeek entities, but as averred above, the
7 names and/or structure of the business entities have recently changed as a result of
8 MindGeek's rebranding to AYLO in August 2023.

9 54. MindGeek entities are or were the alter egos of each other operating as a
10 single business enterprise to produce, distribute, and monetize pornography on the
11 Internet, commingling its assets in order to shelter and avoid liabilities and in an effort
12 to hide the identity of all of its owners and investors.

13 55. All Defendants are jointly and severally liable in this action as alter egos
14 of the other. In doing all things alleged herein, Defendants acted within the course
15 and scope of their authority as agents, servants, representatives, partners, joint
16 venturers, affiliates, successors in interest, parents, subsidiaries, and/or employees
17 and with the permission authorization, consent, and ratification of each other.

18 56. MindGeek transferred the ownership of corporate stock and/or shares to
19 Ethical Capital Partners.

20 57. On information and belief, there was inadequate consideration for the
21 transfer of the stock/shares to Ethical Capital Partners.

22 58. Ethical Capital Partners is a mere continuation of the business of
23 MindGeek.

24 59. There has been a continuation of MindGeek's officers, directors,
25 management, and/or shareholder interests in the Ethical Capital Partners entity.
26

27 ⁹ See *MindGeek Corporate Grouping*, OPEN CORPORATES, [https://opencorporates.com/](https://opencorporates.com/corporate_groupings/MindGeek/companies)
28 [corporate_groupings/MindGeek/companies](https://opencorporates.com/corporate_groupings/MindGeek/companies) (last visited Sep. 8, 2023).

1 **B. DIVERSITY JURISDICTION**

2 67. The Court has original jurisdiction under 28 U.S.C. § 1332(a) because:
3 (1) the matter is controversy exceeds the sum or value of \$75,000, exclusive of interest
4 and costs; and (2) the matter is controversy is between citizens of different states.

5 **C. PERSONAL JURISDICTION**

6 68. The Court may properly exercise personal jurisdiction over all
7 Defendants. MINDGEEK USA INCORPORATED and MG BILLING US CORP.
8 both registered with the State of California to transact business in California,
9 transacted business in California, and are domiciled and maintain their principal
10 places of business at 21800 Oxnard Street, Suite 150, in Woodland Hills, California,
11 91367, but are or were substantially controlled by MINDGEEK S.A.R.L., MG
12 FREESITES, LTD., and/or 9219-1568 QUEBEC, INC. .

13 69. Aylo Global Entertainment Inc., Aylo USA Incorporated, and Aylo
14 Billing US Corp. have all registered with the State of California to transact business
15 in California, transact business in California, and are domiciled and maintain their
16 principal places of business at the same location as MindGeek's principal place of
17 business: 21800 Oxnard Street, Suite 150, Woodland Hills, California 91367.

18 70. Upon information and belief, Aylo Global Entertainment Inc., Aylo USA
19 Incorporated, and Aylo Billing US Corp. are successor companies to the MindGeek
20 Defendants as a result of MindGeek's renaming and rebranding to AYLO recently in
21 August 2023.

22 71. Each of the Defendants maintains minimum contacts with the United
23 States and the State of California, such that maintenance of this lawsuit does not
24 offend traditional notions of fair play and substantial justice. As stated above,
25 MindGeek operates as one business and each of the Defendants acts as the alter ego
26 of the others.

27 72. Defendants have purposefully availed themselves of this Court's
28 jurisdiction by virtue of their registration to transact business in California, presence

1 and operations in this District, by their participation in and furtherance of the
2 GirlsDoPorn's sex trafficking venture, and by transacting business in this District, and
3 by virtue of their improper and unlawful acts committed in this District, all of which
4 have caused Plaintiff's damages. There is a substantial nexus between Plaintiff's
5 claims and Defendants' activities in the State of California and this District.

6 73. More specifically, Defendants partnered and profited with the
7 California-based GirlsDoPorn sex traffickers as part of MindGeek's Content Partner
8 Program and Viewshare Program to split revenues that Defendants generated by
9 advertising, marketing, selling, and exploiting videos and images it solicited from
10 GirlsDoPorn featuring Plaintiff and other victims of the sex trafficking venture.

11 74. On information and belief, Defendants processed revenue for and made
12 monthly payments to the GirlsDoPorn traffickers representing GirlsDoPorn's share
13 of revenues Defendants received by advertising, marketing, selling, and exploiting the
14 sex trafficking videos and images of Plaintiff and other victims on Defendants' sites.

15 75. On information and belief, MG BILLING US CORP. processed
16 payments for the videos of Plaintiff and other victims published as part of MindGeek's
17 Content Partner and Viewshare Programs and received affiliate fees for subscriptions
18 purchased on the GirlsDoPorn sites after MindGeek redirected users from one of its
19 tube sites to GirlsDoPorn's sites.

20 76. On information and belief, 9219-1568 QUEBEC, INC. hired and
21 managed employees that published, maintained, edited, and optimized GirlsDoPorn's
22 videos, including videos of Plaintiff, on MindGeek's sites.

23 77. MindGeek has previously been sued regarding its participation in the
24 GirlsDoPorn sex trafficking venture, among other sex trafficking lawsuits, and has
25 accepted service of such lawsuits in the State of California, including in this District.¹⁰
26
27

28 ¹⁰ See Exs. 3-6.

1 **D. VENUE**

2 78. Venue is proper in this District under 28 U.S.C. §§ 1391(c)(2) and (d)
3 because MindGeek has registered to transact business in California, listing and
4 maintaining its principal office situated in this District, and conducting substantial
5 business in this District.

6 79. MindGeek directly participated in and knowingly aided, abetted, and
7 facilitated the GirlsDoPorn sex trafficking venture through its actions by contracting
8 with and maintaining a business partnership with the perpetrators of the subject sex
9 trafficking, and on information and belief, by utilizing financial institutions within
10 this District as part of that relationship.

11 80. MindGeek accepted service for a prior sex trafficking related civil
12 lawsuit in this District.

13 81. On information and belief, MindGeek employs or has employed persons
14 at its office in Los Angeles within this District.

15 **THE TRAFFICKING VICTIMS PROTECTION ACT**

16 82. In 2000, Congress passed the Trafficking Victims Protection Act
17 (“TVPA”), a comprehensive law in the United States to penalize the full range of
18 human trafficking offenses.¹¹

19 83. Congress reauthorized the Trafficking Victims Protection Act in 2003,¹²
20 and in 2008, broadening its scope to include third parties.¹³ In doing so, the
21 Trafficking Victims Protection Reauthorization Act (“TVPRA”) created a civil cause
22

23 ¹¹ See Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, § 102(a),
24 114 Stat. 1464, 1467 (2000).

25 ¹² See Trafficking Victims Protection Reauthorization Act of 2003, Pub. L. No. 108-193,
26 § 4(a)(4)(A), 117 Stat. 2875, 2878 (2003).

27 ¹³ William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. No.
28 110-457, 122 Stat. 5044 (2008).

1 of action, codified at 18. U.S.C. § 1595 and permits a party to bring a civil claim
 2 against perpetrators and against persons or entities who, although not the direct
 3 perpetrator, knowingly benefit, or attempt or conspire to benefit, financially or by
 4 receiving anything of value from participation in a venture which that person or entity
 5 knew or should have known was violating the TVPRA.¹⁴ Congress has thus
 6 consistently expanded the TVPRA in an effort to deter sex trafficking worldwide and
 7 provide a broad remedy for survivors against actors like Defendants.

8 84. The TVPRA outlaws sex trafficking activities that affect interstate or
 9 foreign commerce or take place within the territorial jurisdiction of the United States.
 10 The crime of sex trafficking is defined as knowingly recruiting, enticing, harboring,
 11 transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting
 12 by any means a person to engage in a commercial sex act knowing or in reckless
 13 disregard of the fact that force, threats of force, fraud, coercion, or any combination
 14 thereof were used in the process.¹⁵

15 85. “The term ‘commercial sex act’ means any sex act, on account of which
 16 anything of value is given to or received by any person.”¹⁶

17 86. Under federal law, criminal sex trafficking also occurs whenever a
 18 person knowingly benefits, financially or by receiving anything of value, from
 19 participation in a venture which has engaged in sex trafficking as defined above. 18
 20

21 ¹⁴ 18. U.S.C. § 1595(a). Congress also amended the Fight Online Sex Trafficking Act (“FOSTA”),
 22 Section 230, to prevent perpetrators and online companies from seeking immunity in Section 1595
 23 lawsuits and provided: Section 230 shall have “[n]o effect on sex trafficking law” and shall not “be
 24 construed to impair or limit. . . any claim in a civil action brought under section 1595 of title 18, if
 25 the conduct underlying the claim constitutes a violation of section 1591 of that title.” 47 U.S.C.
 26 230(e)(5). The amendment to Section 230 is retroactive, applying “regardless of whether the
 27 conduct alleged occurred, or is alleged to have occurred, before, on, or after ... enactment.” Pub. L.
 28 No. 115-164, 132 Stat. 1253 § 4(b)..

¹⁵ 18 U.S.C. § 1591(a)(1).

¹⁶ 18 U.S.C. § 1591(e)(3).

1 U.S.C. § 1591(a)(1) & (2).

2 87. The TVPRA also forbids, among other things, conspiring to violate 18
3 U.S.C. § 1591.¹⁷

4 88. The TVPRA is to be construed broadly because it serves a remedial
5 purpose and uses intentionally broad language. In each reauthorization since its
6 enactment, Congress has maintained a strong intent to provide adequate protection
7 and recovery for victim survivors of trafficking against “the enormous profitability of
8 this industry.”¹⁸

9 89. Thus, unlike the criminal penalties provision in the TVPRA, the civil
10 remedies provision is governed by a “constructive knowledge” standard. This
11 provision allows a civil action to be brought not only against a person or entity who
12 directly violates the TVPRA, but also against a person or entity who participated in a
13 venture that the person or entity *should have known* had engaged in illegal sex
14 trafficking. 18 U.S.C. § 1595(a). This expansive provision is known as the
15 “constructive knowledge” provision, which provides an alternative to proving actual
16 knowledge as part of civil damages claims.

17 90. In the following paragraphs, wherever Plaintiff alleges that Defendants
18 acted with knowledge, or in reckless disregard of the fact, that the GirlsDoPorn sex
19 trafficking venture used fraudulent or illegal practices, means of force, threats of
20 force, coercion, intimidation, harassment, and/or abuse of process to cause a person
21 to engage in commercial sex acts, Plaintiff also alleges that, at a bare minimum,
22 Defendants should have known that the GirlsDoPorn sex trafficking venture had used
23 such means to engage in illegal sex trafficking in violation of 18 U.S.C. §§ 1591-

24 _____
25 ¹⁷ See 18 U.S.C. § 1594.

26 ¹⁸ *Trafficking In Persons: The Federal Government’s Approach to Eradicate This Worldwide*
27 *Problem: Hearing on H.R. 2620 Before the Subcomm. On Human Rights and Wellness of the H*
Comm. on Gov’t Reform, 108th Cong. (2004) (statement of Rep. Dan Burton).

1 1594. In other words, Defendants had “constructive knowledge” of GirlsDoPorn’s
2 sex trafficking.

3 91. Plaintiff also alleges herein that Defendants were willfully blind to the
4 fact that MindGeek was participating in and facilitating GirlsDoPorn’s sex trafficking
5 venture, that Plaintiff was a victim of sex trafficking within the meaning of 18 U.S.C.
6 § 1591, and that Plaintiff is entitled to bring this civil action under 18 U.S.C. § 1595.

7 **FACTUAL ALLEGATIONS**

8 **A. GirlsDoPorn Engaged in Unlawful and Deceptive Business** 9 **Practices to Recruit Plaintiff and Other Sex Trafficking Victims.**

10 92. Michael James Pratt launched the GirlsDoPorn website,
11 GirlsDoPorn.com, in 2009. For the next ten years, Pratt and several other
12 GirlsDoPorn principals and staff ran a sex trafficking venture in San Diego,
13 California.

14 93. GirlsDoPorn trafficked hundreds of high school and college-aged
15 women for sex under the false pretext of a modeling shoot.

16 94. GirlsDoPorn recruited young women through false advertising
17 claiming to offer new modeling opportunities which often included misleading links
18 to websites like www.beginmodelling.com or modelinggigs.com. These sham
19 websites lured aspiring models into providing GirlsDoPorn with their personal
20 information and contact details.

21 95. GirlsDoPorn hid its true entity’s name, websites, and unlawful business
22 from the young women who answered its ads.

23 96. Then, upon the victim’s arrival for the photoshoot, GirlsDoPorn’s
24 principals used drugs, alcohol, fraud, coercion, intimidation, and threats to force the
25 young women to film pornographic videos under the additional false pretense that the
26 videos would remain private, off the Internet, and never be seen in North America.

27 97. For over a decade, GirlsDoPorn lied and coerced hundreds of women
28 through its scheme. It then partnered with MindGeek, utilizing MindGeek’s vast

1 resources and network, to publish and profit from the unlawful videos across
2 numerous online pornography websites.

3 **1. *GirlsDoPorn Targeted Young Women Who Did Not Want a***
4 ***Career in the Adult Film Industry.***

5 98. GirlsDoPorn's unlawful venture required it to recruit and convince a
6 high volume of high school and college-aged women to fly to San Diego under false
7 pretenses and then perform for pornographic videos. To accomplish this, GirlsDoPorn
8 engaged in numerous methods of deceit, fraud, manipulation, and coercion to obtain
9 the pornographic content they needed.

10 99. GirlsDoPorn's business was premised on the construct that the women
11 in the videos were not professional porn stars but were amateur college-aged women
12 filming pornography for the first and only time. Subscribers were meant to be left
13 with the impression that the women in GirlsDoPorn's videos were everyday women
14 that they could encounter in their communities, campuses, and daily lives.¹⁹

15 100. In accordance with this one-time-only amateur paradigm, GirlsDoPorn's
16 business was dependent on recruiting a constant stream of new models in order to
17 generate fresh website content.²⁰

18 101. The recruited models did not intend to pursue a career in adult
19 entertainment. Rather, the women were mostly students with careers ahead of them
20 who never even considered solicitations to film a pornographic video

21 102. Thus, GirlsDoPorn used fraudulent practices to facilitate its recruitment.
22 GirlsDoPorn took considerable, calculated steps to falsely assure prospective models
23 that their videos would never be posted online, come to light in the United States, or
24 be seen by anyone who might know them.²¹

25 _____
26 ¹⁹ See Ex. 2, at 2-3.

27 ²⁰ *Id.*

28 ²¹ *Id.*

1 103. GirlsDoPorn went so far as to hire actresses to pose as previous models
2 and assure new recruits of their privacy and security. These paid “references”
3 provided prospective models with false comfort that the experience was safe and
4 enjoyable, and that the fake references’ videos had never appeared online or been
5 discovered by anyone in the references’ lives.²²

6 104. Once a newly-recruited woman flew to San Diego, she found herself
7 alone in a hotel room with two or more men about to shoot a pornographic video. At
8 this point, GirlsDoPorn had her sign documents containing dense and ambiguous
9 legalese, which they falsely described as being the written version of what she had
10 already agreed to.²³

11 105. GirlsDoPorn acted to pressure the woman to sign the documents quickly
12 without reading them and engaged in other deceptive, coercive, and threatening
13 behavior to secure their signatures, including plying the woman with drugs and
14 alcohol.²⁴

15 106. After illegally filming the woman engage in forced sex acts,
16 GirlsDoPorn posted the videos on MindGeek’s websites and advertised for its own
17 online subscription platforms.²⁵

18 107. Hundreds of women from various cities throughout the United States and
19 Canada, including Plaintiff, were recruited to appear in GirlsDoPorn videos based
20 upon this system of force, fraud, and coercion.²⁶

21 108. These unlawful videos generated millions of dollars in revenue for
22

23 ²² *Id.*

24 ²³ *Id.*

25 ²⁴ *Id.*

26 ²⁵ *Id.*

27 ²⁶ *Id.*

1 GirlsDoPorn and MindGeek at the expense of countless young women's lives.²⁷

2 **B. MindGeek and GirlsDoPorn used Forceful, Fraudulent, Coercive,**
 3 **and Unlawful Business Practices to Traffic Plaintiff for Sex.**

4 109. Throughout adolescence, Plaintiff professionally modeled clothes for
 5 agencies and companies such as Kohl's and Champion.

6 110. While a high school student in Colorado, Plaintiff participated in the
 7 Miss Teen Colorado pageant and was first runner up.

8 111. After the pageant and her high school graduation in 2013, Plaintiff
 9 wanted to pursue fashion and modeling.

10 112. Similar to other GirlsDoPorn victims, Plaintiff saw a Craigslist ad for
 11 paid modeling jobs and inquired via email correspondence.

12 113. Plaintiff relayed her interest in the modeling opportunity and agreed to
 13 partake in one photoshoot. GirlsDoPorn then paid for Plaintiff's airline tickets and
 14 hotel to travel to San Diego for the modeling photoshoot.

15 114. Plaintiff, at the tender age of eighteen (18) years old, arrived in San
 16 Diego for a headshots and clothes modeling photoshoot she believed would help her
 17 career.²⁸

18 115. GirlsDoPorn had taken a particular interest in Plaintiff because of her
 19 physical appearance and Plaintiff's success in the Miss Teen Colorado pageant. They
 20 stated Plaintiff had the "right looks."

21 116. Plaintiff learned of GirlsDoPorn's true intention only after traveling from
 22 her home state. Pratt and his conspirators, including Andre Garcia, picked Plaintiff
 23 up from the airport and began to coerce Plaintiff into allowing live action filming of
 24 adult content.

25 _____
 26 ²⁷ *Id.*

27 ²⁸ "Headshot" refers to a photograph that is taken of a person's head and face, and sometimes
 28 features the person's shoulders and chest. A headshot is often taken for submission to professional
 modeling and acting jobs.

1 117. Rather than the mere headshots and clothing photoshoot that she had
2 agreed to fly to San Diego to do, Pratt began demanding that Plaintiff film nude and
3 sexually explicit videos. When Plaintiff refused, Pratt and his conspirators
4 immediately pressured her and plied her with booze and pills to soften her reluctance.

5 118. Plaintiff told Pratt that she did not want to participate in amateur
6 pornography. To convince her otherwise, Pratt and Garcia told Plaintiff that the video
7 would only be on DVD and would only be used in Australia. Pratt and Garcia falsely
8 represented to Plaintiff that the video would **not** be used in any other manner, would
9 **not** be released in the United States, and would **not** be posted on the Internet.

10 119. Pratt and Garcia continued to pressure Plaintiff to consume alcohol and
11 marijuana in order to relax.

12 120. Pratt and Garcia said they would take Plaintiff to a hotel to film the video.
13 On the way, they picked up a third conspirator, Matthew Wolfe.

14 121. During the drive, Pratt gave Plaintiff what appeared to be a contract and
15 told her to sign it. Plaintiff was not able to read the document in the car or in her
16 intoxicated condition, although she saw the words “DVD” and “Australia” in larger
17 font than the rest of the words in the document.

18 122. Plaintiff was not provided a copy of the document.

19 123. Plaintiff then found herself in a hotel room with four (4) strange men:
20 Pratt, Wolfe, Garcia, and one other conspirator who worked on lighting for the
21 production.

22 124. Pratt took Plaintiff’s cell phone and put it in his pocket. Pratt refused to
23 give Plaintiff back her cell phone until they were finished filming the video.

24 125. Plaintiff was restricted to the bed area in the hotel room.

25 126. The hotel room was filled with equipment. The bathroom and hotel door
26 were both blocked with lights, equipment, and cases for equipment.

27 127. Garcia was the male performer for the video.

28 128. While Plaintiff was trapped in the hotel room and in an intoxicated state,

1 Pratt and his conspirators deceived, coerced, and forced Plaintiff to perform sexual
2 acts on film.

3 129. Production of the video took approximately 9-10 hours, and included
4 protracted filming of Plaintiff's non-consensual sex—*i.e.* rape.

5 130. Plaintiff started bleeding due to the repeated and violent nature of the
6 acts to which she was subjected.

7 131. When the bed sheets became covered with blood, Pratt just covered the
8 stained sheets with other blankets or flipped blankets to the clean side.

9 132. Pratt had a demanding, aggravated, and aggressive demeanor during the
10 video production process.

11 133. Plaintiff became upset, started crying, and repeatedly asked to stop.

12 134. Plaintiff told Pratt, Wolfe, and Garcia she wanted to leave. The three
13 men reiterated that she was not permitted to stop the production or to leave the hotel
14 room until they got the footage they wanted for the video.

15 135. Plaintiff then tried to move the equipment blocking the exit door.

16 136. Furious, Pratt grabbed Plaintiff and threw her on the bed.

17 137. Pratt yelled and cursed at Plaintiff calling her a “stupid b*tch” and
18 “f*cking slut.”

19 138. Plaintiff felt afraid for her life trapped in the hotel room.

20 139. To get Plaintiff through the production, Pratt and Garcia continued to
21 force Plaintiff to drink more alcohol. They also gave her Xanax.

22 140. Production of the video continued without Plaintiff's consent as they
23 filmed her in an intoxicated state.

24 141. Prior to that evening, Plaintiff had no knowledge of the GirlsDoPorn
25 business or GirlsDoPorn.com and GirlsDoToys.com websites.

26 142. In August 2013, Plaintiff began her freshman year of college. Pratt
27 pursued Plaintiff and demanded she make additional videos. When Plaintiff told Pratt
28 no and refused to comply, Pratt resorted to blackmail, fear, intimidation, and threats

1 of force against Plaintiff and her family.

2 143. Pratt threatened Plaintiff that he would release her video to the Internet
3 if Plaintiff did not comply with his demands.

4 144. Pratt also made threatening statements to Plaintiff about knowing her
5 personal information, such as where she lived and her social security number.

6 145. Pratt threatened Plaintiff's life if she did not agree and texted her:



16 146. Plaintiff told Pratt that she did not want or consent to the release of the
17 video of her and asked him to “have a heart.” Pratt did not care.

18 147. Plaintiff contacted Garcia about Pratt's blackmail and threats to her life.
19 Garcia told Plaintiff that she should agree to do a second video because Pratt would
20 follow through with releasing the video if Plaintiff did not comply.

21 148. Plaintiff was afraid of Pratt, felt threatened by him, and feared for her
22 life and the lives of her family and friends.

23 149. Out of fear and under duress, Plaintiff participated in additional videos.

24 150. During filming, the men again took Plaintiff's cell phone.

25 151. In addition to the filmed acts, Plaintiff was subjected to further sexual
26 harassment and assault from the GirlsDoPorn conspirators.

27 152. Without consent, Wolfe touched and tried to kiss Plaintiff telling her she
28 was beautiful.

1 153. Plaintiff rejected Wolfe's advances.

2 154. Wolfe then told Plaintiff she could have her cell phone back if she would
3 kiss him and "touch his d*ck."

4 155. Plaintiff struggled throughout filming the next video with Garcia.
5 Plaintiff repeatedly asked to stop filming.

6 156. Halfway through the video, Pratt erupted in anger, yelling and cursing at
7 Garcia about Plaintiff. Pratt broke a hotel lamp in his fit of rage.

8 157. Terrified, Plaintiff made it into the hotel bathroom to try to find refuge.
9 However, Pratt followed her and would not leave her alone.

10 158. In the hotel bathroom, Pratt showed Plaintiff that he had a gun in a holster
11 on his hip. The gun had been previously hidden and covered by his shirt.

12 159. Plaintiff was again told that she was not allowed to stop the production
13 or leave the hotel room before they got the footage they wanted for the video.

14 160. Plaintiff was again forced to consume alcohol, marijuana, and Xanax to
15 help her complete filming.

16 161. When Plaintiff denied additionally taking oxycodone, Pratt and Garcia
17 put the drug in her drink which she refused.

18 162. When the video was finally completed, Pratt still refused to let Plaintiff
19 leave.

20 163. Pratt retrieved Plaintiff's belongings and forced Plaintiff to go back to
21 his home.

22 164. In the car on the way to his home, Pratt forced Plaintiff to perform oral
23 sex on him.

24 165. While Plaintiff was performing oral sex, Pratt took out his gun, put the
25 gun in Plaintiff's mouth, and forced her to suck on the gun.

26 166. Once in Pratt's home, Pratt repeatedly sexually assaulted Plaintiff.

27 167. Plaintiff saw that Pratt had many different guns out in the home and was
28 proud of them.

1 168. Plaintiff cried while Pratt demeaned and cursed at her.

2 169. Pratt, again, forced Plaintiff to perform oral sex on him. During the act,
3 Pratt grabbed his gun, forced the gun in Plaintiff's mouth, and made her suck on the
4 gun a second time.

5 170. Plaintiff felt trapped and afraid. She felt she had no choice but to submit
6 to Pratt's every demand or risk her life.

7 171. In January 2014, while Plaintiff was in class at college, she received a
8 text message from an unknown number stating: "Told you bitch." Pratt followed
9 through on his threat.

10 172. Around that same time, Plaintiff received a text message from a friend
11 saying that her pornographic video was on Twitter, the Pornhub website, and multiple
12 other pornography websites.

13 173. Unfortunately, GirlsDoPorn had posted the first video of Plaintiff on
14 MindGeek's network, and the video became wildly successful.

15 174. MindGeek and GirlsDoPorn generated millions of dollars from
16 Plaintiff's video.

17 175. Greedy for more, Pratt, Wolfe, and Garcia continued to pursue Plaintiff
18 with further threats, coercion, and force. Plaintiff was deeply fearful of them and
19 what they would do to her.

20 176. GirlsDoPorn produced additional short solo videos of Plaintiff that were
21 uploaded to MindGeek's network of sites.

22 177. GirlsDoPorn published Plaintiff's full-length videos on its sites,
23 GirlsDoPorn.com and GirlsDoToys.com, and on MindGeek's sites, in partnership
24 with MindGeek as part of MindGeek's Content Partner and Viewshare Programs.

25 178. Once published to the sites, GirlsDoPorn and MindGeek implemented
26 an aggressive marketing strategy to obtain views, customers, and paid subscriptions.
27 This marketing strategy included contacting Plaintiff's and other victims'
28 communities, social circles, family, friends, teachers, classmates, employers, and/or

1 co-workers.

2 179. Fox News, and other media sources released stories about Plaintiff.²⁹

3 180. Plaintiff was devastated. She has suffered, and continues to suffer,
4 extreme emotional distress from Pratt's threats and MindGeek's global release of her
5 videos.

6 181. Plaintiff was harassed by other students while she attended class, walked
7 to her dorm, and on the bus. Plaintiff had to be escorted by campus security due to
8 the harassment and threats. Plaintiff often remained in her dorm room out of fear of
9 going outside.

10 182. Plaintiff was prescribed medication for severe distress and anxiety.

11 183. Due to GirlsDoPorn's and MindGeek's publication, distribution, and
12 advertising of Plaintiff's videos throughout MindGeek's global network, Plaintiff was
13 forced to leave her university, return to her mother's home, and begin online classes
14 at a community college.

15 184. Nevertheless, Plaintiff was still recognized by teachers, students, and
16 many others in the general public and suffered extreme emotional distress.

17 185. Plaintiff lost jobs in humiliating ways when customers and co-workers
18

19 ²⁹ See, e.g., Nadine DeNinno, *Kristy Althaus Porn Video Resurfaces, Miss Teen USA*
20 *Erases 2012 Colorado Runner-Up From Page [VIDEO]*, INTERNATIONAL BUSINESS
21 TIMES (Feb. 4, 2014, 9:55 AM), <https://www.ibtimes.com/kristy-althaus-porn-video-resurfaces-miss-teen-usa-erases-2012-colorado-runner-page-video-1553151>;
22 *Disgraced former Miss Colorado Teen contestant reportedly making porn*, DAILY
23 NEWS (Jun. 17, 2014, 3:50 PM, updated Jan. 9, 2019, 9:11 PM), [https://www.nydailynews.com/news/national/colorado-teen-contestant-reportedly-making-porn](https://www.nydailynews.com/news/national/colorado-teen-contestant-reportedly-making-porn-article-1.1833231)
24 [article-1.1833231](https://www.nydailynews.com/news/national/colorado-teen-contestant-reportedly-making-porn-article-1.1833231); *Miss Teen Colorado runner up Kristy Althaus turns porn star*,
25 NEWS.COM.AU (Jun. 19, 2014, 4:57 PM), [https://www.news.com.au/lifestyle/beauty/](https://www.news.com.au/lifestyle/beauty/miss-teen-colorado-runner-up-kristy-althaus-turns-porn-star/newsstory/1ff3e9f28bb3adb87b96e80de7ac2c8d)
26 [miss-teen-colorado-runner-up-kristy-althaus-turns-porn-star/newsstory/1ff3e9f28bb](https://www.news.com.au/lifestyle/beauty/miss-teen-colorado-runner-up-kristy-althaus-turns-porn-star/newsstory/1ff3e9f28bb3adb87b96e80de7ac2c8d)
27 [3adb87b96e80de7ac2c8d](https://www.news.com.au/lifestyle/beauty/miss-teen-colorado-runner-up-kristy-althaus-turns-porn-star/newsstory/1ff3e9f28bb3adb87b96e80de7ac2c8d); *Former Miss Teen Colorado in second porn video, report*
28 [says](https://www.foxnews.com/entertainment/former-miss-teen-colorado-in-second-porn-video-report-says), FOX NEWS (Jun. 18, 2014, updated Apr. 5, 2016), [https://www.foxnews](https://www.foxnews.com/entertainment/former-miss-teen-colorado-in-second-porn-video-report-says)
[.com/entertainment/former-miss-teen-colorado-in-second-porn-video-report-says](https://www.foxnews.com/entertainment/former-miss-teen-colorado-in-second-porn-video-report-says);
Beauty queen turns to life of porn, YAHOO NEWS AUSTRALIA (Updated Mar. 31,
2018), <https://au.news.yahoo.com/beauty-queen-turns-to-life-of-porn-24279669.html>

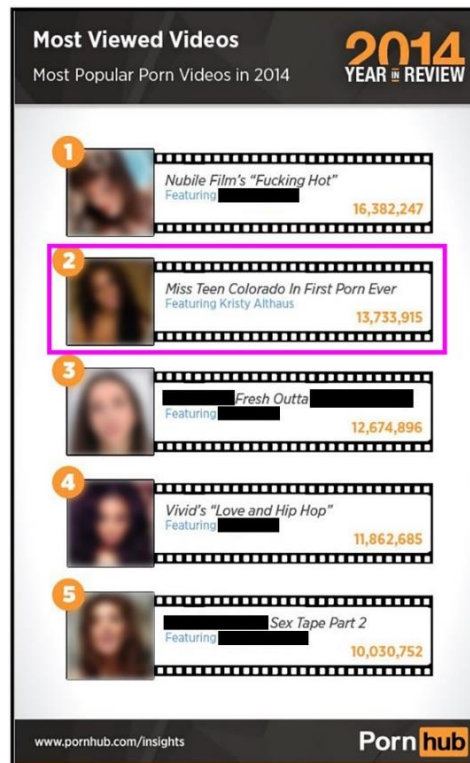
1 recognized her and her association with GirlsDoPorn and MindGeek.

2 186. Plaintiff lost employment and employment opportunities because
3 employers did not want her associated with their businesses and/or brands.

4 187. Plaintiff was stripped of her title as First Runner Up in the Miss Teen
5 Colorado pageant.

6 188. Six months after the release of the first video, GirlsDoPorn and
7 MindGeek released additional videos of Plaintiff, without her authorization and
8 consent, again implementing an aggressive marketing strategy and exploiting
9 Plaintiff's name, identity, images, videos, and former association with the Miss
10 Colorado pageant for their own financial gain and profit.

11 189. Plaintiff's video was the second most popular video on all of
12 MindGeek's Pornhub website for the year 2014:



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25 190. Not only did Plaintiff have to endure hours of sexual assault while they
26 filmed every second, then, in the interest of profit, MindGeek gave GirlsDoPorn the
27 resources and distribution channels so that millions could view it for their own sexual
28 gratification.

1 191. Plaintiff contacted MindGeek multiple times in an effort to prevent the
2 further distribution and advertising of the GirlsDoPorn videos.

3 192. Plaintiff told a representative that the posting of her content online was
4 done without her consent.

5 193. The MindGeek representative disregarded Plaintiff and even threatened
6 legal action against Plaintiff if she pursued removal of her videos.

7 194. Thus, MindGeek continued to host and use GirlsDoPorn's videos, and
8 Plaintiff's name, images, likeness, and identity, without her authorization and
9 consent, and for its own financial gain.

10 195. It was not until years later in October 2019 when the Department of
11 Justice seized and shut down GirlsDoPorn that MindGeek finally—but only
12 temporarily—removed Plaintiff's videos.

13 **C. MindGeek, GirlsDoPorn, and the Online Pornography Industry**
14 **Operate to Maximize Views, Customer Subscriptions, and Profits.**

15 196. The online pornography industry mainly consists of two types of
16 websites: paysites and freesites. Paysites are websites that require the customer to
17 pay to view the pornographic content.

18 197. Freesites, also known as tube sites, have no fee and are shorter five to
19 ten-minute clips of longer pornographic videos. Companies use freesites to attract
20 significant web traffic with the goal of having potential customers purchase monthly
21 subscriptions on the paysites.

22 198. Generally, freesites earn money through advertisement sales and by
23 partnering with paysites through affiliate programs operated by the payment
24 processing companies who process subscribers' payments on paysites.

25 199. When a freesite obtains a subscribing customer for a paysite, the
26 payment processing company splits the subscriber's monthly payment between the
27 paysite and freesite affiliate, often a 50/50 revenue split arrangement.

28 200. The money earned by the freesite for referring customers to paysites is

1 called an affiliate fee.

2 201. GirlsDoPorn operated two paysites, GirlsDoPorn.com and
3 GirlsDoToys.com, where it sold content by offering its customers access to libraries
4 of full-length videos featuring Plaintiff and other victims for \$30 to \$60 per month.

5 202. MindGeek owns and operates hundreds of pornographic websites,
6 including both paysites and freesites (tube sites).

7 203. On information and belief, MindGeek controls the majority of
8 pornography on the Internet through its various entities and sites. Its global platform
9 and distribution channels for pornographic content is vast and world-wide.

10 204. MindGeek's most visited tube site is www.PornHub.com (PornHub).

11 205. In 2019, PornHub had approximately 42 billion visits with 39 billion
12 searches. Averaging 115 million visits per day, Pornhub accommodated uploads for
13 6.83 million new videos that same year.³⁰

14 206. In addition, MindGeek owns and/or operates other popular tube sites,
15 including www.YouPorn.com, www.RedTube.com, www.XTube.com, and
16 www.Tube8.com.

17 207. MindGeek also owns several subsidiaries, affiliates, and/or paysites such
18 as Brazzers, Babes.com, Digital Playground, Reality Kings, and Twistys and works
19 to promote views, subscriptions, and revenue to each of the sites.

20 208. MindGeek's business model is predicated on maximizing views and
21 traffic to its sites.

22 209. On information and belief, when MindGeek is not creating videos and
23 images for content, it is developing, designing, editing, and controlling storylines,
24 themes, images, titles, text, keywords, tags, advertising, and other aspects of its sites.

25 210. Keywords and tags are essential for customers' search engine

26 _____
27 ³⁰ See *The 2019 Year in Review*, PORNHUB INSIGHTS (Dec. 11, 2019), <https://www.PornHub.com/insights/2019-year-in-review>.
28

1 optimization on MindGeek's sites.

2 211. MindGeek has a "Search Engine Marketing" team dedicating to
3 "develop[ing] successful strategies to ensure top-ranking in search engine traffic."³¹

4 212. MindGeek operates, manages, and promotes its own numerous
5 businesses and sites, as well as the sites of its Content Partners.

6 213. MindGeek accepted GirlsDoPorn into its Content Partner Program and
7 Premium Viewshare Program.

8 214. By accepting GirlsDoPorn into its Content Partner and Viewshare
9 Programs, MindGeek agreed to and conducted business with Pratt's GirlsDoPorn sex
10 trafficking venture to obtain new pornographic content and maximize profit.

11 **D. MindGeek Knowingly Participated in the GirlsDoPorn Sex**
12 **Trafficking Venture, Financially Benefited Therefrom, and**
13 **Continued the Unauthorized Use of Plaintiff's Name, Images,**
Videos, and/or Identity for Its Own Financial Gain.

14 215. Through its partnership with GirlsDoPorn, MindGeek knowingly
15 participated in, facilitated, promoted, supported, and assisted the GirlsDoPorn sex
16 trafficking venture.

17 216. As one of the largest, if not the largest, online pornography companies
18 in the world, MindGeek's partnership provided GirlsDoPorn's criminal venture with
19 a global platform and distribution channel for its unlawful videos.

20 217. GirlsDoPorn created accounts on MindGeek's tube sites and began
21 posting its videos in or about 2009.

22 218. In 2011, GirlsDoPorn applied, and MindGeek selected GirlsDoPorn to
23 participate in MindGeek's Content Partner Program and Viewshare Program.

24 219. MindGeek's Content Partner Program is described as follows:

25 The Content Partner Program is designed for studios with
26

27 ³¹ *Services at MindGeek: Search Engine Marketing*, MINDGEEK, [https://www.mindgeek.com/](https://www.mindgeek.com/services/#search-engine-marketing)
28 [services/#search-engine-marketing](https://www.mindgeek.com/services/#search-engine-marketing) (last visited Aug. 2023);

1 a pay-site to expose their content to millions of visitors.
 2 Once partnered, you receive a personalized channel that
 3 includes free ad space both on your channel and on your
 4 videos. Through the use of video features on your
 5 homepage, your content is promoted to our users which
 6 will direct traffic back to your pay-site with the intention
 7 of converting them into paying members. In turn, we
 8 would receive a share of this revenue through your affiliate
 9 program. There is no compensation based on views in this
 10 program.³²

11 220. When GirlsDoPorn became a partner in MindGeek's Content Partner
 12 Program, MindGeek and its representatives created a "channel" on MindGeek's tube
 13 sites centralizing GirlsDoPorn's videos in a single location where MindGeek's
 14 viewers and potential customers were able to search the channel and subscribe to it
 15 for a fee.

16 221. MindGeek also offers Content Partners "The Pornhub Playbook: How
 17 to make money with Pornhub" Content Partners Guide to help Content Partners
 18 maximize profits with Pornhub and exposure to the Content Partner's brand.

19 222. The Content Partners Guide states: "Our knowledgeable and friendly
 20 team will walk you through every step of the way. Contact us and start promoting
 21 your brand."³³

22 223. While MindGeek's tube sites are predominately freesites which earn
 23 revenue through advertising and affiliate fees, portions of MindGeek's tube sites also
 24 act as paysites through MindGeek's Viewshare Program for premium members.

25 224. MindGeek's Viewshare Program is described as:

26 The Viewshare program is designed to earn you revenue
 27 based on the number of views your content receives. In

28 ³² See *What is the Content Partner Program?* PORNHUB, <https://help.pornhub.com/hc/en-us/articles/4419878848019-What-is-the-Content-Partner-Program> (last visited Sep. 8, 2023).

³³ PORNHUB, THE PORNHUB PLAYBOOK: HOW TO MAKE MONEY WITH PORNHUB (Content Partners Guide), v.2.6 (Sep. 6, 2019, 3:45 PM).

1 this program you will upload full-length, HD videos which
2 are locked behind our paywall, and you are compensated
3 every time a Premium member watches your video. While
4 Premium is an ad-free environment, partners receive a
5 prominent “Join” button on their channel and below their
6 videos to drive traffic back to their pay-site.³⁴

7 225. As a Content Partner, MindGeek’s representatives actively worked with
8 GirlsDoPorn and began advertising, promoting, marketing, selling, and exploiting
9 videos featuring GirlsDoPorn’s sex trafficking victims, including Plaintiff, on its
10 websites to keep paying customers and gain new customers.

11 226. MindGeek took many concrete steps to aid and participate in the
12 GirlsDoPorn sex trafficking venture, generally, and the sex trafficking of Plaintiff by,
13 *inter alia*:

14 (a) Providing GirlsDoPorn access to MindGeek’s world-wide distribution
15 channels so that both MindGeek and GirlsDoPorn could profit through the
16 dissemination of videos depicting Plaintiff’s sexual assaults;

17 (b) Partnering with GirlsDoPorn through its Content Partner Program and
18 Viewshare Program;

19 (c) Providing GirlsDoPorn with MindGeek’s global exposure, and the financial
20 lifeline to sustain its criminal venture;

21 (d) Uploading, or permitting the uploading of, Plaintiff’s sex trafficking videos
22 to the GirlsDoPorn and GirlsDoToys channels on MindGeek’s sites;

23 (e) Uploading Plaintiff’s sex trafficking videos to the vast collection of
24 MindGeek’s pornography websites including, among other sites, PornHub.com,
25 YouPorn.com, RedTube.com, XTube.com, and/or Tube8.com;

26 ³⁴ See *What is the Viewshare Program?* PORNHUB, [https://help.pornhub.com/hc/en-us/articles/](https://help.pornhub.com/hc/en-us/articles/4419891330195-What-is-the-Viewshare-Program)
27 4419891330195-What-is-the-Viewshare-Program (last visited Sep. 8, 2023).

1 (f) Providing MindGeek employee representatives to assist GirlsDoPorn in
2 maximizing exposure, views, subscriptions, and revenue from videos featuring
3 Plaintiff and other GirlsDoPorn victims;

4 (g) Assisting GirlsDoPorn in monetizing the sex trafficking videos by acting as
5 an affiliate for GirlsDoPorn.com, GirlsDoToys.com, and other paysites;

6 (h) Actively marketing and/or suggesting GirlsDoPorn videos and content to
7 users of MindGeek's tube sites and/or paysites;

8 (i) Hyperlinking, marketing, advertising, promoting, selling, and/or exploiting
9 videos featuring victims of GirlsDoPorn's sex trafficking venture, including Plaintiff;

10 (j) Creating, developing, and designing trailers, advertisements, titles, tags,
11 descriptions, images, and/or other content for GirlsDoPorn videos and channels,
12 including Plaintiff's videos and content;

13 (k) Providing search engine optimization services to GirlsDoPorn and its
14 customers suggesting Plaintiff's videos to users;

15 (l) Conducting and/or facilitating financial transactions and distributing funds
16 to GirlsDoPorn for the illegal videos and content;

17 (m) Sharing revenue and profits with GirlsDoPorn;

18 (n) Permitting users to download GirlsDoPorn sex trafficking videos which
19 could then be uploaded to any other website or otherwise exploited;

20 (o) Refusing to remove GirlsDoPorn's sex trafficking videos when Plaintiff and
21 numerous other victims complained to MindGeek;

22 (p) Willfully ignoring the complaints of Plaintiff and numerous other victims
23 that the sex trafficking videos were uploaded and used without their authorization and
24 consent;

25 (q) Re-posting and/or republishing GirlsDoPorn's sex trafficking videos after
26 previous removal;

27 (r) Continuing to use Plaintiff's videos, name, images, and/or identity through
28 2023, without authorization or consent, for its own financial gain and profit; and

1 (s) Failing to report the GirlsDoPorn sex trafficking venture to law
2 enforcement.

3 227. Having accepted GirlsDoPorn into its Content Partner Program and
4 Viewshare Program, MindGeek directly participated in GirlsDoPorn's sex trafficking
5 venture by willfully and actively promoting GirlsDoPorn videos, marketing the
6 GirlsDoPorn brand, spreading GirlsDoPorn content throughout its vast network of
7 pornography websites, and maximizing subscription sales and profits.

8 228. MindGeek willfully and actively promoted Plaintiff's name, images,
9 identity, and videos on Pornhub and other sites, including a full feature advertisement
10 of Plaintiff with a biography, Pornstar Rank, and other advertisements such as:

- 11 • SUPER SEXY BUSTY MISS TEEN COLORADO IN FIRST PORN EVER
- 12 • Miss Colorado Teen in her debut porno
- 13 • Kristy Althaus Miss Teen Colorado USA Sex Tape
- 14 • The Beauty Queen PMV (enjoy your 337 if you delete this again FBI)
- 15 • Kristy Althaus sucks and f*cks
- 16 • Hot busty Miss Teen Colorado in her first solo porn video

17 229. On information and belief, Plaintiff's videos had hundreds of millions of
18 views and generated millions of dollars for MindGeek and GirlsDoPorn.

19 230. MindGeek and GirlsDoPorn purposefully promoted Plaintiff as Miss
20 Teen Colorado which increased traffic, views, and subscriptions to her content on
21 their sites.

22 231. Pratt told Plaintiff that one of her videos had 300 million views. He also
23 showed her on his computer screen the number of views for her video on MindGeek's
24 website.

25 232. MindGeek and GirlsDoPorn sought to leverage Plaintiff's status as a
26 beauty queen to drive internet traffic in their marketing and advertisements.

27 233. On information and belief, MindGeek received millions of dollars in
28 revenue through its partnership with GirlsDoPorn by, among other things, collecting

1 affiliate referral fees, advertisement sales, and revenue from MindGeek's own
2 subscription websites.

3 234. On information and belief, MindGeek's business benefitted substantially
4 from the increased traffic to its tube sites driven by GirlsDoPorn fans and following.

5 235. MindGeek wrongly profited from the sex trafficking and exploitation of
6 Plaintiff and other GirlsDoPorn victims.

7 236. MindGeek knew GirlsDoPorn was operating a sex trafficking venture by
8 using fraud, coercion, intimidation, threats of force, and force as part of its customary
9 business practices to cause women to film pornographic videos. MindGeek learned
10 this, in part, from GirlsDoPorn victims who repeatedly contacted MindGeek d/b/a
11 PornHub and plead with its representatives to remove the content.

12 237. In addition to Plaintiff who contacted MindGeek to inform it that her
13 videos were online without her consent and to plead that the videos be removed from
14 MindGeek's websites, numerous other victims did the same.

15 238. One GirlsDoPorn victim wrote to MindGeek:

16 I WAS SCAMMED. THIS COMPANY LIED TO ME ABOUT
17 THIS BEING ON THE INTERNET! THEY TOLD ME IT
18 WOULD ONLY BE AVAILABLE ON DVD IN AUSTRALIA.
19 MY WORK FRIENDS AND FAMILY ALL KNOW AND
20 THIS VERY LINK IS BEING SENT AROUND. I WANT TO
21 JUST DIE³⁵

22 239. Another GirlsDoPorn victim wrote to MindGeek:

23 I was told this video went to a private viewer, and now it is all
24 over the internet. I was lied to, and this isn't okay. I have reached
25
26

27 ³⁵ See Ex. 4, at 39.

1 out to them with no response.³⁶

2 240. Yet another GirlsDoPorn victim wrote to MindGeek:

3 That's what I am trying to explain is that I did not consent to being
4 online!!! :((((me and other girls are being brutally harassed.³⁷

5 241. Plaintiff is informed and believes MindGeek received dozens, if not
6 hundreds, of takedown requests from GirlsDoPorn victims, yet MindGeek never
7 conducted an investigation of the repeated claims of fraud and coercion perpetrated
8 by GirlsDoPorn.³⁸

9 242. Numerous GirlsDoPorn victims hired "takedown companies" who
10 submitted hundreds of Digital Millennium Copyright Act ("DMCA") takedown
11 requests on their behalf.³⁹

12 243. MindGeek's tactics to intimidate and stonewall Plaintiff resulted in
13 MindGeek's continued use of Plaintiff's name, images, identity, and videos without
14 Plaintiff's consent.

15 244. Plaintiff has suffered severe harm to her person and reputation by the
16 unlawful conduct of GirlsDoPorn and MindGeek, including loss educational and
17 employment opportunities, chastisement, harassment, threats of force, and loss of
18 friendships and special relationships.

19 **E. Prior Courts Have Found GirlsDoPorn and MindGeek Criminally**
20 **and Civilly Liable for Sex Trafficking.**

21 245. GirlsDoPorn and MindGeek have faced both criminal and civil liability
22 for their wrongful conduct.

23 246. Federal authorities arrested and prosecuted Pratt and several other
24

25 ³⁶ *Id.*

26 ³⁷ *Id.* at 40 (sics in original).

27 ³⁸ *Id.*

28 ³⁹ *Id.*

1 GirlsDoPorn conspirators for violations of the TVPRA.

2 247. On October 9, 2019, the United States Attorney for the Southern District
3 of California charged GirlsDoPorn's three principals—Pratt, Wolfe, and Garcia—
4 and three other staff, with sex trafficking and conspiracy to commit sex trafficking
5 pursuant to 18 U.S.C. § 1591.

6 248. A grand jury indictment formally charged Pratt, Wolfe, and Garcia with
7 these crimes.⁴⁰

8 249. Pratt fled the country but was arrested in Spain and is awaiting
9 extradition to the United States.

10 250. Wolfe and Garcia were arrested on or about October 9, 2019.

11 251. Garcia pled guilty to conspiracy to commit sex trafficking, in violation
12 of 18 U.S.C. § 1594(c), and sex trafficking by force, fraud, or coercion, in violation
13 of 18 U.S.C. §§ 1591(a)(1) and (2). He received a sentence of twenty (20) years and
14 was ordered to pay a in restitution.⁴¹ Wolfe remains in federal custody and is awaiting
15 sentencing.

16 252. In Garcia's criminal case, the Honorable Janis Sammartino found:
17 Beginning in approximately 2013 and continuing up to October 2019, Garcia
18 participated in a conspiracy with Michael James Pratt, Matthew Isaac Wolfe,
19 Theodore Wilfred Gyi, Valerie Moser, and others, to engage in commercial sex acts
20 using force, fraud and coercion.⁴²

21 253. The Court ordered that the coercive GirlsDoPorn contracts are void and
22

23 ⁴⁰ See *United States v. Michael James Pratt*, Indictment, ECF No. 34, No. 19:CR-4488-JLS (S.D.
24 Cal. Nov. 7, 2019), incorporated by reference as though fully set forth herein as Exhibit 7.

25 ⁴¹ See *United States v. Ruben Andre Garcia*, Restitution Order Redacted, ECF No. 270, at 2-4, No.
26 19CR4488-JLS (S.D. Cal. Dec. 14, 2021), incorporated by reference as though fully set forth herein
as Exhibit 8a.

27 ⁴² *Id.*
28

1 unenforceable, and additionally, ordered that all transfers, licenses, or leases to any
2 third parties are void, that Plaintiff and other GirlsDoPorn victims hold superior right,
3 title, and interest in their images, likeness, and videos, and Plaintiff and other victims
4 shall have and recover all property GirlsDoPorn took from them, including images,
5 likeness, videos, and copyrights.⁴³

6 254. Prior to the criminal proceedings, in June 2016, a civil action was
7 commenced against GirlsDoPorn in San Diego (the “State Court Action”).

8 255. The Court found that GirlsDoPorn’s coercive contracts were invalid and
9 unenforceable due to GirlsDoPorn’s fraudulent scheme.⁴⁴ Further, the Court found
10 GirlsDoPorn’s representations to the victims were false. Contrary to GirlsDoPorn’s
11 explicit promises that the videos would never appear online, GirlsDoPorn published
12 the videos on its paid subscription websites and many popular free MindGeek “tube”
13 sites such as Pornhub.com.

14 256. The Court explained that GirlsDoPorn also used extensive affiliate
15 marketing and other techniques to maximize web traffic to their sites.

16 257. Moreover, during the prior State Court Action, MindGeek was served
17 with a subpoena for records, yet again explicitly informing MindGeek of
18 GirlsDoPorn’s unlawful business practices. Nevertheless, MindGeek continued to
19 host the videos of Plaintiff and other victims on its sites.

20 258. Throughout the State Court Action, MindGeek continued to use
21 Plaintiff’s name and promote her as a “Miss Teen Colorado” to maximize customer
22 views, subscriptions, and revenue.

23 259. Furthermore, on information and belief, during the State Court Action,
24 MindGeek attempted to acquire the GirlsDoPorn business.

25 260. On information and belief, MindGeek prepared and/or submitted a letter
26

27 ⁴³ *Id.* at 5.

28 ⁴⁴ Ex. 2, at 3, 24-29, 144-160.

1 to acquire the GirlsDoPorn business.

2 261. Despite MindGeek's knowledge of the State Court Action filed against
3 GirlsDoPorn, it continued to partner with GirlsDoPorn until October 2019 when the
4 Department of Justice shut down GirlsDoPorn's business and indicted its principals
5 and staff, at which point, a company to partner with no longer existed.

6 262. On April 27, 2020, the Honorable Kevin A. Enright issued his Final
7 Statement of Decision in the State Court Action.⁴⁵

8 263. On December 15, 2020, MindGeek was sued in federal court by fifty
9 (50) other GirlsDoPorn victims for MindGeek's participation in and promotion of the
10 GirlsDoPorn sex trafficking venture ("the MindGeek Federal Action").⁴⁶

11 264. The prior MindGeek Federal Action was resolved through a settlement
12 between the parties.⁴⁷

13 265. After the GirlsDoPorn State Court Action and the prior MindGeek
14 Federal Action, MindGeek removed the GirlsDoPorn videos, including Plaintiff's
15 videos, from the Pornhub website.

16 266. However, subsequent to 2021, MindGeek reposted and republished
17 Plaintiff's videos, name, images, likeness and identity to its sites, without Plaintiff's
18 consent, due to significant website traffic, customer views, subscriptions, and revenue
19 the videos of Plaintiff generated for MindGeek.

20 267. In November 2022, Plaintiff received notice from the United States
21 Department of Justice, Federal Bureau of Investigation ("FBI"), that she was one of
22 more than four hundred (400) victims of the GirlsDoPorn-MindGeek sex trafficking
23 venture.

24 268. MindGeek continued to host, distribute, and advertise Plaintiff's sex

25 ⁴⁵ See Ex. 2.

26 ⁴⁶ See Exs. 3-4.

27 ⁴⁷ See Ex. 9.

1 trafficking videos through 2023.

2 269. MindGeek continued to unlawfully use and misappropriate Plaintiff's
3 name, images, and identity well into this year for its own financial benefit and profit.

4 270. MindGeek even mocked federal authorities when re-posting videos of
5 Plaintiff with new titles, such as "The Beauty Queen PMV (enjoy your 337 if you
6 delete this again FBI)."

7 271. MindGeek knew it was partnering with, distributing revenue to, and
8 profiting from a sex trafficking venture for years.

9 272. MindGeek's repeated decisions to not only ignore, but participate and
10 profit from, GirlsDoPorn's unlawful sex trafficking and treatment of victims easily
11 establishes both the criminal "reckless disregard" standard and the lesser negligence
12 standard for civil liability damages and attorneys' fees under 18 U.S.C. § 1595.

13 273. MindGeek's actions, however, were willful, malicious, oppressive, and
14 taken in reckless disregard of Plaintiff's rights. MindGeek knew the illegal and
15 unconsented publication of sex videos of Plaintiff and other young women would
16 destroy their lives. Once published, GirlsDoPorn victims were ostracized by family
17 and friends and relentlessly harassed by strangers. Victims suffered extreme distress,
18 and some became suicidal. Plaintiff's anguish resulted in deep struggles with despair
19 and worthlessness. She also lost employment, career opportunities, and special
20 relationships.

21 274. MindGeek also knew about the significant harassment and trauma that
22 Plaintiff and other victims suffered by the continued publication of their names and
23 pornographic content. MindGeek did not care and chose profits over the lives and
24 well-being of young people.

25 275. As a result of MindGeek's unlawful conduct and vast legal problems,
26 MindGeek transferred its stock to a newly formed entity in 2023, Ethical Capital
27 Partners, to avoid or minimize its legal liability.

28 276. On information and belief, Ethical Capital Partners recently changed

1 MindGeek's name to Aylo in August 2023.

2 277. This case seeks justice for a survivor of immeasurable pain and suffering
3 caused by MindGeek, the entity that despite knowledge of GirlsDoPorn's criminal
4 enterprise, chose time and again to prioritize profits over people.

5 CAUSES OF ACTION

6 FIRST CAUSE OF ACTION

7 BENEFITTING FROM PARTICIPATION IN A SEX TRAFFICKING 8 VENTURE IN VIOLATION OF THE TRAFFICKING VICTIMS 9 PROTECTION REAUTHORIZATION ACT, 18 U.S.C. §§ 1591(a)(2), 1595

10 278. Plaintiff incorporates by reference and realleges each and every
11 allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

12 279. Plaintiff was and is a victim of sex trafficking within the meaning of 22
13 U.S.C. § 7102(11) and in violation of 18 U.S.C. §§ 1591 and 1595.

14 280. GirlsDoPorn operated a sex trafficking venture within the meaning of 18
15 U.S.C. §§ 1591 and 1595.

16 281. GirlsDoPorn used fraud, coercion, intimidation, and threats of force to
17 cause Plaintiff to perform commercial sex acts, which GirlsDoPorn filmed and
18 distributed to MindGeek's tube sites and paysites through MindGeek's Content
19 Partner and Viewshare Programs.

20 282. MindGeek knew, should have known, or acted in reckless disregard of
21 the fact that GirlsDoPorn operated a sex trafficking venture that wholly relied on the
22 use of force, threats of force, coercion, and/or fraud to film Plaintiff and other regular
23 high school and college-aged women engaging in commercial sex acts.

24 283. MindGeek ignored complaints by Plaintiff and other GirlsDoPorn
25 victims, as well as the prior civil lawsuits and criminal proceedings, to prioritize its
26 own financial benefit and value from the illegally obtained videos of the sex
27 trafficking venture.

28 284. MindGeek took many concrete steps to aid and participate in the
GirlsDoPorn sex trafficking venture, generally, and the sex trafficking of Plaintiff by,

1 *inter alia*:

2 (a) Providing GirlsDoPorn access to MindGeek's world-wide distribution
3 channels so that both MindGeek and GirlsDoPorn could profit through the
4 dissemination of videos depicting Plaintiff's sexual assault/rape;

5 (b) Partnering with GirlsDoPorn through its Content Partner Program and
6 Viewshare Program;

7 (c) Providing GirlsDoPorn with MindGeek's global exposure, and the financial
8 lifeline to sustain its criminal venture;

9 (d) Uploading, or permitting the uploading of, Plaintiff's sex trafficking videos
10 to the GirlsDoPorn and GirlsDoToys channels on MindGeek's sites;

11 (e) Uploading Plaintiff's sex trafficking videos to the vast collection of
12 MindGeek's pornography websites including, among other sites, PornHub.com,
13 YouPorn.com, RedTube.com, XTube.com, and/or Tube8.com;

14 (f) Providing MindGeek employee representatives to assist GirlsDoPorn in
15 maximizing exposure, views, subscriptions, and revenue from videos featuring
16 Plaintiff and other GirlsDoPorn victims;

17 (g) Assisting GirlsDoPorn in monetizing the sex trafficking videos by acting as
18 an affiliate for GirlsDoPorn.com, GirlsDoToys.com, and other paysites;

19 (h) Actively marketing and/or suggesting GirlsDoPorn videos and content to
20 users of MindGeek's tube sites and/or paysites;

21 (i) Hyperlinking, marketing, advertising, promoting, selling, and/or exploiting
22 videos featuring victims of GirlsDoPorn's sex trafficking venture, including Plaintiff;

23 (j) Creating, developing, and designing trailers, advertisements, titles, tags,
24 descriptions, images, and/or other content for GirlsDoPorn videos and channels,
25 including Plaintiff's videos and content;

26 (k) Providing search engine optimization services to GirlsDoPorn and its
27 customers suggesting Plaintiff's videos to users;

28 (l) Conducting and/or facilitating financial transactions and distributing funds

1 to GirlsDoPorn for the illegal videos and content;

2 (m) Sharing revenue and profits with GirlsDoPorn;

3 (n) Permitting users to download GirlsDoPorn sex trafficking videos which
4 could then be uploaded to any other website or otherwise exploited;

5 (o) Refusing to remove GirlsDoPorn's sex trafficking videos when Plaintiff and
6 numerous other victims complained to MindGeek;

7 (p) Willfully ignoring the complaints of Plaintiff and numerous other victims
8 that the sex trafficking videos were uploaded and used without their authorization and
9 consent;

10 (q) Re-posting and/or republishing GirlsDoPorn's sex trafficking videos after
11 previous removal;

12 (r) Continuing to use Plaintiff's videos, name, images, and/or identity through
13 2023, without authorization or consent, for its own financial gain and profit; and

14 (s) Failing to report the GirlsDoPorn sex trafficking venture to law
15 enforcement.

16 285. Through MindGeek's world-wide distribution channels, MindGeek
17 provided GirlsDoPorn the network and financial lifeline for its unlawful business.
18 GirlsDoPorn could not have achieved the distribution, sales, and profit it had—and
19 that MindGeek benefitted from—without MindGeek's crucial support and
20 participation. The concrete steps described above constituted taking part in the sex
21 trafficking venture and were necessary for GirlsDoPorn's success. The concrete steps
22 described above constituted active engagement by MindGeek in the GirlsDoPorn sex
23 trafficking venture.

24 286. MindGeek knowingly and intentionally benefitted, financially and by
25 receiving things of value, from participating in, facilitating, supporting, and assisting
26 the illegal coercive GirlsDoPorn sex trafficking venture that was in and affecting
27 interstate and foreign commerce, together and with others, in violation of 18 U.S.C.
28 § 1591 (a)(2).

1 287. On information and belief, MindGeek knowingly benefited, financially
2 or by receiving value, among others, by:

3 (a) Earning millions of dollars in affiliate fees through the Content Partner
4 Program with GirlsDoPorn by exploiting Plaintiff's videos, name, images, and/or
5 identity and sending user traffic from MindGeek's tube sites to GirlsDoPorn's
6 paysites;

7 (b) Through the use of Plaintiff's videos, and those of other GirlsDoPorn
8 victims, benefitting from increased traffic to its tube sites which resulted in increased
9 advertisement revenue and increased sales of MindGeek's own products and content;

10 (c) Earning millions of dollars by selling "Premium" subscriptions through the
11 Viewshare Program and using videos featuring Plaintiff and other GirlsDoPorn
12 victims;

13 (d) Hosting the videos of Plaintiff and other GirlsDoPorn victims in the general
14 library of its freesites, which resulted in increased traffic to MindGeek's tube sites
15 and generated subscriptions and affiliate revenue from third-party paysites and
16 MindGeek's own paysites;

17 (e) Continuing the unauthorized use and exploitation of Plaintiff's videos,
18 name, images, likeness, and/or identity, even after the Department of Justice seized
19 and shut down GirlsDoPorn, up to and through 2023, for its own financial gain.

20 288. MindGeek had a statutory obligation not to knowingly benefit from
21 participation in the GirlsDoPorn sex trafficking venture that it knew, or should have
22 known, engaged in violations of the TVPRA under 18 U.S.C. § 1591(a).

23 289. Nevertheless, MindGeek assisted, supported, and facilitated the
24 GirlsDoPorn sex trafficking venture for its own financial gain.

25 290. As a proximate result of MindGeek's knowing benefit and participation
26 in the GirlsDoPorn sex trafficking venture, Plaintiff has suffered serious harm and
27 damages. Further, MindGeek has received ill-gotten gains from the unlawful sex
28 trafficking and exploitation of Plaintiff's videos, name, images, likeness, and/or

1 identity for its own business purposes and profit.

2 291. MindGeek's employees, officers, directors, and/or managing agents had
3 actual or constructive knowledge of the GirlsDoPorn sex trafficking venture or
4 recklessly disregarded such. MindGeek's actions were intentional, willful, malicious,
5 fraudulent, oppressive, outrageous, despicable, and taken in reckless disregard of
6 Plaintiff's rights. Plaintiff is entitled to punitive damages to punish MindGeek for its
7 actions and to deter others from acting similarly in the future.

8 292. By virtue of these knowing and intentional violations of 18 U.S.C. §§
9 1591(a)(2) and 1595, MindGeek is liable to Plaintiff for punitive damages.

10 293. By virtue of these violations of 18 U.S.C. §§ 1591(a)(2) and 1595,
11 MindGeek is liable to Plaintiff for damages and reasonable attorneys' fees.

12 **SECOND CAUSE OF ACTION**

13 **ADVERTISING A SEX TRAFFICKING VICTIM IN VIOLATION OF THE** 14 **TRAFFICKING VICTIMS REAUTHORIZATION PROTECTION ACT, 18** **U.S.C. §§ 1591(a)(1), 1595**

15 294. Plaintiff incorporates by reference and realleges each and every
16 allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

17 295. Plaintiff was and is a victim of sex trafficking within the meaning of 22
18 U.S.C. § 7102(11) and in violation of 18 U.S.C. §§ 1591 and 1595.

19 296. MindGeek unlawfully advertised Plaintiff on its platforms in reckless
20 disregard of the fact that GirlsDoPorn used force, threats of force, fraud, or coercion
21 to make Plaintiff engage in the filmed commercial sex acts in violation of 18 U.S.C.
22 §§ 1591(a)(1) and 1595.

23 297. MindGeek further unlawfully provided, obtained, and maintained the sex
24 trafficking videos of Plaintiff on its global platforms, distributing the videos to
25 MindGeek's own tube sites and paysites as well as through sites for MindGeek's
26 subsidiaries, affiliates, Content Partner Program, and Viewshare Program.

27 298. MindGeek knew, had constructive knowledge of, should have known, or
28 acted in reckless disregard of the fact that GirlsDoPorn operated a sex trafficking

1 venture that wholly relied on the use of force, threats of force, coercion, and/or fraud
2 to film Plaintiff and other regular high school and college-aged women engaging in
3 commercial sex acts.

4 299. MindGeek ignored complaints by Plaintiff and other GirlsDoPorn
5 victims, as well as the prior civil lawsuits and criminal, to prioritize its own financial
6 benefit and value from advertising, providing, obtaining, and maintaining the illegally
7 obtained videos of Plaintiff.

8 300. MindGeek knowingly and intentionally, through various means
9 described herein, advertised, provided, obtained, and maintained Plaintiff's sex
10 trafficking videos in and affecting interstate and foreign commerce, together and with
11 others, in violation of 18 U.S.C. § 1591 (a)(1).

12 301. By taking the concrete steps outlined in paragraph 226 above, along with
13 other allegations in this complaint, MindGeek knowingly partnered with GirlsDoPorn
14 to advertise Plaintiff, and provide, obtain, and maintain Plaintiff's sex trafficking
15 videos on its global platform.

16 302. MindGeek's affirmative conduct to advertise, provide, obtain, and
17 maintain Plaintiff's videos was committed knowing, or in reckless disregard of the
18 fact, that GirlsDoPorn was dependent on enticing and recruiting a constant stream of
19 young women, who did not intend to pursue a career in adult entertainment, to shoot
20 pornographic videos, and that GirlsDoPorn used a combination of force, threats of
21 force, coercion, blackmail, intimidation, fraud, and/or disparity of power as the means
22 to obtain the content they advertised on MindGeek's websites.

23 303. MindGeek had a statutory obligation not to knowingly advertise,
24 provide, obtain, or maintain Plaintiff's sex trafficking videos on its websites when it
25 knew, or should have known, or recklessly disregarded the fact, that GirlsDoPorn
26 created the videos through force, threats of force, fraud, or coercion in violation of
27 the TVPRA, 18 U.S.C. § 1591(a)(1).

28 304. Nevertheless, MindGeek continued to advertise, allow, and distribute

1 Plaintiff's videos for its own financial gain.

2 305. As a proximate result of MindGeek's advertising and associated conduct,
3 Plaintiff has suffered serious harm and damages. Further, MindGeek has received ill-
4 gotten gains from the unlawful advertisement and exploitation of Plaintiff's videos,
5 name, images, likeness, and/or identity for its own business purposes and profit.

6 306. MindGeek's employees, officers, directors, and/or managing agents had
7 actual or constructive knowledge of GirlsDoPorn's unlawful conduct or recklessly
8 disregarded such.

9 307. MindGeek's conduct in perpetrating TVPRA violations evinced a high
10 degree of moral turpitude, fraud, and dishonesty. Its deliberate actions were
11 malicious, fraudulent, oppressive, outrageous, and taken in reckless disregard of
12 Plaintiff's rights. Plaintiff is entitled to punitive damages to punish MindGeek for its
13 actions and to deter others from acting similarly in the future.

14 308. By virtue of these knowing and intentional violations of 18 U.S.C. §§
15 1591(a)(1) and 1595, MindGeek is liable to Plaintiff for damages and reasonable
16 attorneys' fees.

17 309. By virtue of these knowing and intentional violations of 18 U.S.C. §§
18 1591(a)(1) and 1595, MindGeek is liable to Plaintiff for punitive damages.

19 **THIRD CAUSE OF ACTION**

20 **CONSPIRACY TO COMMIT VIOLATIONS OF THE TRAFFICKING** 21 **VICTIMS PROTECTION REAUTHORIZATION ACT, 18 U.S.C. §§ 1594(c),** **1591, 1595**

22 310. Plaintiff incorporates by reference and realleges each and every
23 allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

24 311. MindGeek intentionally conspired with others, including Pratt and his
25 other co-conspirators, by agreement and understanding, to violate 18 U.S.C. §§
26 1591(a)(1) and (a)(2), and to further GirlsDoPorn's sex trafficking venture to coerce
27 commercial sex acts from Plaintiff and other victims, all in violation of 18 U.S.C. §
28 1594(c). On information and belief, MindGeek's employees, agents, officers, and/or

1 directors conspired with Pratt to further the GirlsDoPorn sex trafficking venture.

2 312. MindGeek's conspiracy to violate 18 U.S.C. §§ 1591(a)(1) and (a)(2)
3 was forbidden by 18 U.S.C. § 1594(c) and MindGeek thereby violated the Trafficking
4 Victims Protection Reauthorization Act.

5 313. MindGeek's conspiracy directly, proximately, and foreseeably harmed
6 Plaintiff by directly leading to her forcibly engaging in commercial sex acts and in
7 other ways, including by continuously advertising videos of her trafficking.
8 MindGeek's conspiracy exploited Plaintiff and victimized her.

9 314. MindGeek conspired with Pratt and his co-conspirators to facilitate
10 Pratt's GirlsDoPorn sex trafficking venture for the purpose of profiting therefrom.
11 MindGeek had knowledge of Pratt's sex trafficking venture and acted with the
12 specific intent to further the venture, including by advertising Plaintiff. Pratt could
13 not and did not act alone. Rather, MindGeek's employees, agents, officers, and/or
14 directors approved and accepted Pratt's GirlsDoPorn sex trafficking venture into its
15 Content Partner Program and Viewshare Program and directly conspired with Pratt to
16 further the profits reaped by both GirlsDoPorn and MindGeek.

17 315. MindGeek and Pratt had a meeting of the minds as to the essential nature
18 of the plan to promote GirlsDoPorn and obtain exposure, views, subscriptions, and
19 revenue for both MindGeek's and GirlsDoPorn's businesses.

20 316. MindGeek's conspiracy with Pratt was part of its participation in the
21 GirlsDoPorn sex trafficking venture. Without MindGeek agreeing to promote and
22 facilitate the venture—by providing its global platform, world-wide distribution
23 channels, and financial lifeline—Pratt would not have been able to sustain
24 GirlsDoPorn and continue to entice and recruit victims for years.

25 317. MindGeek's overt acts in furtherance of the conspiracy, understanding,
26 and agreement in violation of 18 U.S.C. § 1591(a) are, among others, described in
27 paragraphs 226 above.

28 318. Among the many overt acts intentionally committed by MindGeek in

1 furtherance of the sex trafficking venture was creating and maintaining a business
2 partnership and financial relationship between MindGeek and Pratt/GirlsDoPorn
3 within this District and designed to facilitate and continue the sex trafficking of
4 Plaintiff and other victims.

5 319. On information and belief, the financial accounts and transactions
6 between MindGeek and GirlsDoPorn were in and affecting interstate and foreign
7 commerce, including within this District.

8 320. MindGeek's actions in furtherance of the conspiracy were intertwined
9 with Pratt's GirlsDoPorn sex trafficking venture, as the global exposure, world-wide
10 distribution, subscription sales, and funding for the sex trafficking venture were
11 essential for Pratt to commit coercive commercial sex acts.

12 321. It was part of the conspiracy that MindGeek would financially benefit
13 from providing the global exposure, world-wide distribution, subscription sales, and
14 funding for the GirlsDoPorn sex trafficking venture. MindGeek financially benefitted
15 from its participation in and facilitation of the venture.

16 322. MindGeek knew, should have known, and/or acted in reckless disregard
17 of the fact that the conspiracy would directly and proximately lead to unlawful
18 commercial sex acts of Plaintiff by Pratt and his GirlsDoPorn co-conspirators.

19 323. Plaintiff's videos had hundreds of millions of views, and on information
20 and belief, generated millions of dollars for MindGeek and GirlsDoPorn. Pratt and
21 his co-conspirators, including MindGeek, knew Plaintiff's name and exploited her
22 name, videos, images, and/or identity without authorization and consent.

23 324. Further, due to the commercial and financial success of Plaintiff's
24 videos, Pratt and his co-conspirators, including MindGeek, continued to engage
25 Plaintiff in commercial sex acts through means of force, threats of force, coercion,
26 intimidation, fraud, and/or a combination of such means.

27 325. MindGeek benefitted financially from and received value from
28 conspiring to participate in Pratt's GirlsDoPorn sex trafficking venture.

1 326. MindGeek's conspiracy has caused Plaintiff serious harm and damages.
2 That harm was directly and proximately caused by the conspiracy and the harm
3 resulting from the conspiracy was foreseeable.

4 327. MindGeek's conduct in conspiring to violate the TVPRA was intentional
5 and outrageous because it was deliberate in furtherance of a widespread, illegal, and
6 dangerous sex trafficking venture. It also evinced a high degree of moral turpitude,
7 fraud, and dishonesty.

8 328. By virtue of these violations of 18 U.S.C. § 1594(c), MindGeek is liable
9 to Plaintiff for damages and reasonable attorneys' fees under 18 U.S.C. § 1595.

10 329. By virtue of its intentional and outrageous conspiracy to violate of 18
11 U.S.C. §§ 1591 and 1594, MindGeek is liable to Plaintiff for punitive damages.

12 **FOURTH CAUSE OF ACTION**

13 **ATTEMPT TO COMMIT VIOLATIONS OF THE TRAFFICKING** 14 **VICTIMS REAUTHORIZATION PROTECTION ACT, 18 U.S.C. §§ 1594(a),** 15 **1591, 1595**

16 330. Plaintiff incorporates by reference and realleges each and every
17 allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

18 331. MindGeek knowingly attempted to violate 18 U.S.C. §§ 1591(a)(1) and
19 (a)(2), and to further Pratt's GirlsDoPorn sex trafficking venture to coerce commercial
20 sex acts from Plaintiff and other victims in violation of 18 U.S.C. § 1594(a).

21 332. MindGeek's employees, agents, officers, and/or directors deliberately
22 took substantial steps described, among others, in paragraphs 226 above to attempt to
23 violate 18 U.S.C. §§ 1591(a)(1) and (a)(2) within this District.

24 333. Among the many substantial steps taken by MindGeek to deliberately
25 attempt to violate 18 U.S.C. §§ 1591(a)(1) and (a)(2) was creating and maintaining a
26 business partnership and financial relationship between MindGeek and
27 Pratt/GirlsDoPorn within this District and designed to facilitate and continue sex
28 trafficking Plaintiff and other victims.

 334. On information and belief, the financial accounts and transactions

1 between MindGeek and GirlsDoPorn were in and affecting interstate and foreign
2 commerce, including within this District.

3 335. In attempting to further sex trafficking Plaintiff and other GirlsDoPorn
4 victims, MindGeek provided GirlsDoPorn with support, assistance, global exposure,
5 and world-wide distribution of its videos, images, and content to maximize views,
6 subscription sales, and revenue for the financial benefit of both MindGeek and
7 GirlsDoPorn.

8 336. It was part of the attempt to violate 18 U.S.C. § 1591(a)(1) that
9 MindGeek would advertise, provide, obtain, and maintain sex trafficking videos of
10 Plaintiff and other GirlsDoPorn victims. MindGeek profited from these unlawful
11 advertisements.

12 337. It was part of the attempt to violate 18 U.S.C. § 1591(a)(2) that
13 MindGeek would financially benefit from participating in, facilitating, and supporting
14 Pratt's GirlsDoPorn sex trafficking venture. MindGeek financially benefitted from
15 its participation in, facilitation, and support of the venture.

16 338. MindGeek knew, should have known, and/or acted in reckless disregard
17 of the fact that the attempt to violate 18 U.S.C. §§ 1591(a)(1) and (a)(2) would directly
18 and proximately lead to unlawful commercial sex acts of Plaintiff by Pratt and his
19 GirlsDoPorn co-conspirators.

20 339. Plaintiff's videos had hundreds of millions of views, and on information
21 and belief, generated millions of dollars for MindGeek and GirlsDoPorn. Pratt and
22 his co-conspirators, including MindGeek, knew Plaintiff's name and exploited her
23 name, videos, images, and/or identity, without authorization and consent, in an
24 attempt to violate 18 U.S.C. §§ 1591(a)(1) and (a)(2).

25 340. Further, due to the commercial and financial success of Plaintiff's
26 videos, Pratt and his co-conspirators, including MindGeek, continued to engage
27 Plaintiff in commercial sex acts through means of force, threats of force, coercion,
28 intimidation, fraud, and/or a combination of such means in an attempt to violate 18

1 U.S.C. § 1591(a).

2 341. MindGeek's attempt to violate 18 U.S.C. §§ 1591(a)(1) and (a)(2) was a
3 deliberate attempt to further a widespread, illegal, and dangerous sex trafficking
4 venture directed specifically at Plaintiff and other victims of GirlsDoPorn. It also
5 evinced a high degree of moral turpitude, fraud, and dishonesty.

6 342. MindGeek's conduct has caused Plaintiff serious harm and damages.
7 That harm was directly and proximately caused by the conspiracy and the harm
8 resulting from the conspiracy was foreseeable.

9 343. By virtue of these violations of 18 U.S.C. § 1594(a), MindGeek is liable
10 to Plaintiff for damages and reasonable attorneys' fees under 18 U.S.C. § 1595.

11 344. By virtue of its intentional and outrageous attempt to violate 18 U.S.C.
12 §§ 1591 and 1594, MindGeek is liable to Plaintiff for punitive damages.

13 **FIFTH CAUSE OF ACTION**

14 **AIDING, ABETTING, AND INDUCING SEX TRAFFICKING IN** 15 **VIOLATION OF THE TRAFFICKING VICTIMS PROTECTION** 16 **REAUTHORIZATION ACT, 18 U.S.C. §§ 2, 1591(a)(1) & (2), 1595**

17 345. Plaintiff incorporates by reference and realleges each and every
18 allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

19 346. Acting through its employees, officers, directors, and/or managing
20 agents, MindGeek aided, abetted, and induced Pratt's sex trafficking of Plaintiff and
21 other GirlsDoPorn victims that was in and affecting interstate and foreign commerce,
22 together and with others, in violation of 18 U.S.C. §§ 2, 1591(a)(1) and (a)(2).

23 347. Under 18 U.S.C. § 2, MindGeek is punishable as a principal for
24 committing and perpetrating crimes in violation of 18 U.S.C. §§ 1591(a)(1) and (a)(2)
25 by aiding, abetting, inducing, and procuring Plaintiff's sex trafficking and the
26 GirlsDoPorn sex trafficking venture.

27 348. As a consequence, Plaintiff is a victim of MindGeek's criminally
28 aiding, abetting, and inducing Pratt's and his conspirators' violations of 18 U.S.C. §§
1591(a)(1) and (a)(2). These actions were in and affecting interstate and foreign

1 commerce.

2 349. The crimes that MindGeek aided and abetted, include but are not limited
3 to: (1) Pratt's and his conspirators' perpetrating of sex trafficking in violation of 18
4 U.S.C. § 1591(a)(1), and (2) Pratt's and his conspirators' knowingly benefitting from
5 forceful, fraudulent, and coercive sex trafficking in violation of 18 U.S.C.
6 § 1591(a)(2). These crimes were in and affecting interstate and foreign commerce.

7 350. Pratt and his conspirators, including MindGeek, knowingly recruited,
8 enticed, harbored, transported, provided, obtained, advertised, maintained,
9 patronized, or solicited Plaintiff and other GirlsDoPorn victims.

10 351. Pratt and his conspirators also knowingly benefitted financially and
11 received things of value from their participation in the GirlsDoPorn's sex trafficking
12 venture, including payments and other compensation.

13 352. The GirlsDoPorn sex trafficking venture used force, threats of force,
14 fraud, and coercion to film Plaintiff and other victims engaging in commercial sex
15 acts.

16 353. Among other things, MindGeek aided, abetted, and induced the sex
17 trafficking of Plaintiff and the GirlsDoPorn sex trafficking venture by promoting and
18 providing a turn-key approach for world-wide exposure and sales to help GirlsDoPorn
19 become massively profitable.

20 354. Without MindGeek's participation, support, and promotion of
21 GirlsDoPorn's unlawful content and paysites, GirlsDoPorn would not have had the
22 global marketing and distribution for its content and would have made significantly
23 less money on their venture.

24 355. MindGeek aided, abetted, and induced the sex trafficking of Plaintiff and
25 Pratt's GirlsDoPorn sex trafficking venture with actual or constructive knowledge, or
26 in reckless disregard of the fact, that Pratt and his conspirators would use means of
27 force, threats of force, fraud, coercion, extortion, and a combination of such means to
28 cause Plaintiff to engage in commercial sex acts.

1 356. By offering clear financial enticements for Pratt and his conspirators to
2 participate with them, MindGeek had a financial incentive to ignore numerous
3 complaints that the content from Plaintiff and other young people not involved in the
4 pornography industry was obtained through means of force, threats of force, fraud,
5 coercion, extortion, and a combination of such means to cause them to engage in
6 commercial sex acts. MindGeek knew, and should have known, that Pratt and his
7 conspirators engaged in acts in violation of 18 U.S.C. §§ 1591(a)(1) and (a)(2).

8 357. By aiding, abetting, and inducing Pratt's and his conspirators'
9 GirlsDoPorn sex trafficking venture and the sex trafficking of Plaintiff, MindGeek
10 knowingly benefitted, both financially and by receiving things of value, from
11 participating in such venture.

12 358. MindGeek's knowing and intentional conduct of aiding, abetting, and
13 inducing Pratt's and his conspirators' violations has caused Plaintiff serious harm,
14 including, without limitation, physical, psychological, emotional, financial, and
15 reputational harm.

16 359. This case does not involve mere fraud. Instead, MindGeek's criminal
17 conduct in aiding, abetting, and inducing Pratt's and his conspirators' violations was
18 outrageous and intentional and in deliberate furtherance of a widespread unlawful
19 business and sex trafficking venture. MindGeek's criminal conduct also evinced a
20 high degree of moral turpitude and was directed specifically at Plaintiff.

21 360. By virtue of these knowing and intentional violations of 18 U.S.C. §§
22 1591(a)(1) and (a)(2), and 1595, MindGeek is liable to Plaintiff for damages and
23 reasonable attorneys' fees.

24 361. By virtue of its intentional and outrageous attempt to violate 18 U.S.C.
25 §§ 1591 and 1594, MindGeek is liable to Plaintiff for punitive damages.

SIXTH CAUSE OF ACTION

**VIOLATION OF THE LANHAM ACT, 15 U.S.C. § 1125 (a)
FALSE ADVERTISING AND FALSE ENDORSEMENT**

362. Plaintiff incorporates by reference and realleges each and every allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

363. Section 43(a) of The Lanham Act, 15 U.S.C. § 1125(a), applies to MindGeek.

364. Section 43(a) of The Lanham Act, 15 U.S.C. § 1125(a), protects Plaintiff from MindGeek's conduct described herein.

365. MindGeek uses the Internet to advertise, promote, market, and maximize traffic to their sites and business, affecting interstate and foreign commerce, for the purpose of obtaining paying customers and generating profits.

366. Defendants used, promoted, and exploited Plaintiff's name, videos, images, likeness, and/or identity as described herein without authority in order to, *inter alia*, increase and maximize views, subscriptions, and revenue on or to their sites and businesses, create the false perception that Plaintiff was affiliated with their businesses, endorsed the business activities MindGeek and GirlsDoPorn, and/or consented to or authorized the usage of her videos, images, likeness, and/or identity in order to advertise, promote, and market the business activities of MindGeek and GirlsDoPorn.

367. Plaintiff never intended or wanted to pursue a career in pornography and never consented to the use of her videos, name, images, likeness, and/or identity on any GirlsDoPorn or MindGeek site.

368. The Honorable Keven A. Enright found that the coercive GirlsDoPorn contracts are invalid and unenforceable due to GirlsDoPorn's fraudulent scheme.⁴⁸

369. The Honorable Janis L. Sammartino likewise ordered that the coercive

⁴⁸ See Ex. 2, at 3.

1 GirlsDoPorn contracts are void and unenforceable, and additionally, ordered that all
2 transfers, licenses, or leases to any third parties are void, that Plaintiff and other
3 victims hold superior right, title, and interest in their images, likeness, and videos, and
4 Plaintiff and other victims shall have and recover all property GirlsDoPorn took from
5 them, including images, likeness, videos, and copyrights.⁴⁹

6 370. Plaintiff is listed as a victim in Attachment A of Judge Sammartino's
7 Order.⁵⁰

8 371. At all times relevant to this Complaint, MindGeek had actual and
9 exclusive control over the contents contained within and/or displayed on its sites and
10 on the GirlsDoPorn paysite channels on its sites.

11 372. MindGeek had actual or constructive knowledge of the wrongfulness of
12 its conduct and acted with intent to deprive Plaintiff of her rights and interest.
13 MindGeek further acted with actual or constructive knowledge of the high probability
14 that their actions would cause harm and damage to Plaintiff.

15 373. MindGeek's use, alteration, and/or exploitation of Plaintiff's name,
16 videos, images, likeness, and/or identity to advertise, promote, and market
17 MindGeek's businesses and activities as described in this Complaint was false,
18 misleading, and a misrepresentation of fact.

19 374. MindGeek's unauthorized use of Plaintiff's name, videos, images,
20 likeness, and/or identity as described herein constitutes false advertising and false
21 endorsement by falsely suggesting or implying, *inter alia*, that Plaintiff was affiliated
22 with, associated with, or connected to MindGeek, endorsed MindGeek's business or
23 activities, or consented to or authorized MindGeek's usage of her name, videos,
24 images, likeness, and/or identity in order to maximize views, subscriptions, and
25 revenue for sites operated and controlled by MindGeek and GirlsDoPorn.

26 ⁴⁹ See Ex. 8a, at 5.

27 ⁵⁰ See Ex. 8b.

1 375. Upon information and belief, MindGeek's false and deceptive use of
2 Plaintiff's name, videos, images, likeness, and/or identity as described herein
3 deceived and/or caused actual customer confusion as to:

4 (a) Whether Plaintiff was affiliated or associated with MindGeek and
5 GirlsDoPorn;

6 (b) Whether Plaintiff endorsed, sponsored, or approved of MindGeek's
7 business and activities;

8 (c) Whether Plaintiff consented to or authorized MindGeek usage of her
9 name, videos, images, likeness, and/or identity in order to advertise and
10 promote their business and maximize views, subscriptions, and revenue.

11 376. Upon information and belief, such unauthorized use of Plaintiff's name,
12 videos, images, likeness, and/or identity as described herein misled and deceived
13 customers and enticed potential customers to visit MindGeek or GirlsDoPorn sites
14 and pay for subscriptions on the paysites.

15 377. MindGeek knew or should have known that their unauthorized use of
16 Plaintiff's name, videos, images, likeness, and/or identity as described herein would
17 cause consumer confusion.

18 378. MindGeek's unauthorized use of Plaintiff's name, videos, images,
19 likeness, and/or identity as described herein violates 15 U.S.C. § 1125(a), constitutes
20 false advertising and false endorsement, and was wrongful.

21 379. MindGeek's wrongful conduct as described herein was willful or
22 consciously disregarded that fact that Plaintiff did not consent to MindGeek's use of
23 her name, videos, images, likeness, and/or identity to advertise and promote its
24 business and activities. MindGeek violated Plaintiff's rights solely to benefit its
25 business and increase profits.

26 380. MindGeek has caused significant damage to Plaintiff as a direct,
27 foreseeable and proximate result of their unauthorized use of Plaintiff's name, videos,
28 images, likeness, and/or identity as described herein.

1 381. As a further direct and proximate result of MindGeek's conduct as
 2 alleged herein, MindGeek has wrongly obtained and withheld profits attributed
 3 directly or indirectly to the unlawful use of Plaintiff's name, videos, images, likeness,
 4 and/or identity, entitling Plaintiff to disgorgement of those ill-gotten gains in an
 5 amount to be determined at trial.

6 382. Exceptional relief is warranted pursuant to 15 U.S.C. §§ 1116 and
 7 1117(a), entitling Plaintiff to treble damages and reasonable attorneys' fees.

8 **SEVENTH CAUSE OF ACTION**

9 **VIOLATION OF CALIFORNIA'S TRAFFICKING VICTIMS** 10 **PROTECTION ACT, CAL. CIV. CODE § 52.5, CAL. PEN. CODE § 236.1**

11 383. Plaintiff incorporates by reference and realleges each and every
 12 allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

13 384. Plaintiff is a victim of sex trafficking within the meaning of California
 14 Penal Code § 236.1 and 22 U.S.C. § 7102(11). She was induced to perform
 15 commercial sex acts through force, fraud, or coercion that were filmed by
 16 GirlsDoPorn, and advertised, distributed, and maintained by MindGeek.

17 385. Under California Penal Code § 236.1(a), MindGeek's acts, omission,
 18 and commissions, taken separately and/or together violated Plaintiff's personal liberty
 19 with the intent to obtain forced labor or services, including but not limited to, the
 20 continued creation, advertising, distribution, and maintenance of Plaintiff's sex
 21 trafficking videos.

22 386. Under California Penal Code § 236.1(b), MindGeek's acts, omission,
 23 and commissions, taken separately and/or together also violated Plaintiff's personal
 24 liberty with the intent to effect or maintain violations of Penal Code §§ 266, 311.2,
 25 311.5, or 518.

26 387. In violation of California Penal Code § 266, through MindGeek's and
 27 GirlsDoPorn's partnership, Plaintiff and her sex trafficking videos depicting illicit
 28 carnal connections with another person were procured by false pretenses, false

1 representation, or other fraudulent means.

2 388. In violation of California Penal Code §§ 311.2 and 311.5, MindGeek
3 knowingly and intentionally distributed, sold, possessed, produced, solicited, and
4 advertised Plaintiff's sex trafficking videos in California, and these videos constitute
5 obscene matter within the meaning of Penal Code § 311(a).

6 389. In violation of California Penal Code § 518, MindGeek and GirlsDoPorn
7 wrongfully used force or fear to extort Plaintiff into filming sex trafficking videos.

8 390. MindGeek intended to deprive Plaintiff of her personal liberty by
9 refusing to remove, take down, or otherwise de-publish Plaintiff's sex trafficking
10 videos on its websites.

11 391. As a proximate result of MindGeek's violations of California's
12 Trafficking Victim's Prevention Act, Penal Code § 236.1, Plaintiff has suffered
13 serious harm and damages. Further, MindGeek has received ill-gotten gains from the
14 unlawful advertisement and exploitation of Plaintiff's videos, name, images, likeness,
15 and/or identity for its own business purposes and profit.

16 392. MindGeek's actions were intentional, willful, malicious, fraudulent,
17 oppressive, outrageous, despicable, and taken in reckless disregard of Plaintiff's
18 rights. Plaintiff is entitled to punitive damages to punish MindGeek for its actions
19 and to deter others from acting similarly in the future.

20 393. MindGeek was unjustly enriched for violating the California Trafficking
21 Victims Protection Act. It would be inequitable for MindGeek to retain the financial
22 benefit of its exploitation of Plaintiff for its own business purposes and profit.

23 394. By virtue of these knowing and intentional violations of California Penal
24 Code § 236.1, MindGeek is statutorily liable to Plaintiff for damages and reasonable
25 attorneys' fees pursuant to California Civil Code § 52.5(a).

26 395. By virtue of these knowing and intentional violations of California Penal
27 Code § 236.1, MindGeek is statutorily liable to Plaintiff for punitive damages
28 pursuant to California Civil Code § 52.5(a).

EIGHTH CAUSE OF ACTION

**VIOLATION OF CAL. CIV. CODE § 1708.85, DISTRIBUTION OF
PRIVATE SEXUALLY EXPLICIT MATERIALS**

396. Plaintiff incorporates by reference and realleges each and every allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

397. MindGeek intentionally, willfully, maliciously, and fraudulently distributed Plaintiff's sex trafficking videos on its vast global platforms.

398. Plaintiff did not consent to MindGeek's distribution of her sex trafficking videos.

399. The GirlsDoPorn sex trafficking videos of Plaintiff depicted Plaintiff's intimate body parts and Plaintiff engaging in sexual acts.

400. MindGeek knew, or should have known, that Plaintiff had a reasonable expectation of privacy in her sex trafficking videos because Plaintiff and other GirlsDoPorn victims directly reported their unauthorized use to MindGeek.

401. MindGeek ignored complaints by Plaintiff and other GirlsDoPorn victims, as well as the prior civil lawsuits and criminal proceedings against GirlsDoPorn, to prioritize its own financial benefit and value from advertising, providing, obtaining, and maintaining the illegally obtained videos of Plaintiff.

402. As a proximate result of MindGeek's distribution of Plaintiff's private, sexually explicit materials in violation of California Civil Code § 1708.85, Plaintiff has suffered serious harm and damages, including but not limited to general and special damages within the meaning of Civil Code § 48a for loss of reputation, shame, mortification, and hurt feelings. Further, MindGeek has received ill-gotten gains from the unlawful distribution of private sexually explicit material of Plaintiff for its own business purposes and profit.

403. MindGeek's conduct was willful and malicious in that they violated Plaintiff's rights solely to benefit their business and increase profits.

404. MindGeek was unjustly enriched for distributing private, sexually

1 explicit materials of Plaintiff. It would be inequitable for MindGeek to retain the
 2 financial benefit of its exploitation of Plaintiff for its own business purposes and
 3 profit.

4 405. By virtue of MindGeek's knowing and intentional violations of
 5 California Civil Code § 1708.85 with a high degree of moral turpitude, MindGeek is
 6 liable to Plaintiff for punitive damages. By virtue of these knowing and intentional
 7 violations of California Civil Code § 1708.85, MindGeek is statutorily liable to
 8 Plaintiff for damages and reasonable attorneys' fees pursuant to California Civil Code
 9 §§ 1708.85(a) and (e).

10 **NINTH CAUSE OF ACTION**

11 **VIOLATION OF CAL. CIV. CODE § 3344(a),** 12 **COMMERCIAL MISAPPROPRIATION OF LIKENESS**

13 406. Plaintiff incorporates by reference and realleges each and every
 14 allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

15 407. Under California law, Plaintiff holds the exclusive right to control the
 16 public dissemination of her name, voice, photograph, and likeness for commercial
 17 use.

18 408. In violation of Civil Code § 3344(a), MindGeek knowingly used
 19 Plaintiff's, name, voice, photograph, and likeness without her consent, and for its own
 20 commercial gain.

21 409. MindGeek knowingly used pictures and videos of Plaintiff's face and
 22 body on its website platforms for advertising and its own business and financial
 23 advantage. These pictures and videos readily identify and distinguish Plaintiff.

24 410. MindGeek knowingly used Plaintiff's name, voice, photograph, and
 25 likeness to hyperlink, market, advertise, promote, sell, and/or exploit videos featuring
 26 GirlsDoPorn victims, including Plaintiff.

27 411. MindGeek also used Plaintiff's name, voice, photograph, and likeness to
 28 create, develop, and design trailers, advertisements, titles, tags, descriptions, images,

1 and/or other content for GirlsDoPorn videos and channels, including Plaintiff's videos
2 and content.

3 412. Plaintiff never consented to the use or distribution of her name, voice,
4 photograph, and likeness on the internet or MindGeek's global platforms.

5 413. MindGeek's wrongful conduct was willful or consciously disregarded
6 that fact that Plaintiff did not consent to MindGeek's use of her name, voice,
7 photograph, and likeness to advertise and promote its business and/or for any purpose
8 or advantage.

9 414. MindGeek received direct reports from Plaintiff and numerous other
10 GirlsDoPorn victims of its unauthorized use of their names, voices, photographs, and
11 likenesses on its global platforms.

12 415. MindGeek ignored complaints by Plaintiff and other GirlsDoPorn
13 victims, as well as the prior civil lawsuits and criminal proceedings against
14 GirlsDoPorn, to prioritize its own financial benefit and value from advertising,
15 providing, obtaining, and maintaining the illegally obtained videos of Plaintiff.

16 416. Plaintiff's videos had hundreds of millions of views, and on information
17 and belief, generated millions of dollars for MindGeek.

18 417. Due to this commercial and financial success, MindGeek continued its
19 unauthorized use of Plaintiff's name, voice, photograph, and likeness, long after it
20 knew of the GirlsDoPorn criminal enterprise and Plaintiff's lack of consent.

21 418. MindGeek's use of Plaintiff's name, voice, photograph, and likeness was
22 thus directly connected to MindGeek's commercial purposes.

23 419. MindGeek's knowing misappropriation of Plaintiff's name, voice,
24 photograph, and likeness constitutes a violation of California Civil Code § 3344(a)
25 and has caused significant harm and damages to Plaintiff, including, but not limited
26 to, mental suffering, anguish, humiliation, shame, embarrassment, mortification, and
27 other emotional distress, as a direct, foreseeable, and proximate result of its
28 unauthorized conduct.

1 420. MindGeek's commercial misappropriation has caused, and will continue
2 to cause, irreparable harm to Plaintiff, her reputation, and brand by attributing to
3 Plaintiff a desired career in the adult entertainment industry of which she never
4 wanted and did not consent.

5 421. As a further direct and proximate result of MindGeek's conduct,
6 MindGeek has earned and withheld profits attributed directly or indirectly to the
7 unlawful use of Plaintiff's name, voice, photograph, and likeness, entitling Plaintiff
8 to disgorgement of those ill-gotten gains in an amount to be determined at trial.

9 422. MindGeek's conduct was willful and malicious in that they violated
10 Plaintiff's rights solely to benefit their business and increase profits.

11 423. MindGeek was unjustly enriched for commercially misappropriating
12 Plaintiff's name, voice, photograph, and likeness. It would be inequitable for
13 MindGeek to retain the financial benefit of its misappropriation of Plaintiff for its own
14 business purposes and profit.

15 424. By virtue of MindGeek's commercial misappropriation of Plaintiff's
16 name, voice, photograph, and likeness, MindGeek is liable to Plaintiff for statutory
17 and other damages in an amount to be determined at trial.

18 425. By virtue of MindGeek's commercial misappropriation with a high
19 degree of moral turpitude, MindGeek is liable to Plaintiff for punitive damages.

20 426. As a further direct and proximate result of MindGeek's conduct as
21 alleged herein, MindGeek has earned and withheld profits attributed directly or
22 indirectly to the unlawful use of Plaintiff's name, videos, images, photographs,
23 likeness, and/or identity, entitling Plaintiff to disgorgement of those ill-gotten gains
24 in an amount to be determined at trial.

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TENTH CAUSE OF ACTION

**VIOLATION OF CALIFORNIA'S RIGHT OF PUBLICITY:
MISAPPROPRIATION OF LIKENESS**

427. Plaintiff incorporates by reference and realleges each and every allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

428. Under California law, Plaintiff holds the exclusive right to control the public dissemination of her name, likeness, and identity for commercial use.

429. MindGeek unlawfully obtained, used, and promoted the name, likeness, and identity of Plaintiff without her consent, for its own commercial gain.

430. MindGeek unlawfully used pictures and videos of Plaintiff's face and body on its website platforms for advertising and its own business and financial advantage. These pictures and videos readily identified and distinguished Plaintiff.

431. Plaintiff never consented to the use or distribution of her name, likeness, and/or identity on the internet or MindGeek's global platforms.

432. Plaintiff's videos had hundreds of millions of views, and on information and belief, generated millions of dollars for MindGeek.

433. Due to this commercial and financial success, MindGeek continued its unauthorized use of Plaintiff's name, likeness, and/or identity, long after it knew of the GirlsDoPorn criminal enterprise and Plaintiff's lack of consent.

434. MindGeek's misappropriation of Plaintiff's name, likeness, and/or identity constitutes a violation of her right of publicity and has caused significant harm and damages to Plaintiff, including, but not limited to, mental suffering, anguish, humiliation, shame, embarrassment, mortification, and other emotional distress as a direct, foreseeable, and proximate result of its unauthorized conduct.

435. MindGeek's violation of Plaintiff's right of publicity has caused, and will continue to cause, irreparable harm to Plaintiff, her reputation, and brand by attributing to Plaintiff a desired career in the adult entertainment industry of which she never wanted and did not consent.

1 436. As a further direct and proximate result of MindGeek's conduct,
2 MindGeek has earned and withheld profits attributed directly or indirectly to the
3 unlawful use of Plaintiff's name, likeness, and identity, entitling Plaintiff to
4 disgorgement of those ill-gotten gains in an amount to be determined at trial.

5 437. MindGeek's conduct was willful and malicious in that they violated
6 Plaintiff's rights solely to benefit their business and increase profits.

7 438. MindGeek was unjustly enriched for misappropriating Plaintiff's name,
8 likeness, and identity. It would be inequitable for MindGeek to retain the financial
9 benefit of its misappropriation of Plaintiff for its own business purposes and profit.

10 439. By virtue of MindGeek's misappropriation with a high degree of moral
11 turpitude, MindGeek is liable to Plaintiff for punitive damages.

12 440. By virtue of MindGeek's misappropriation of Plaintiff's name, likeness,
13 and identity, MindGeek is liable to Plaintiff for damages in amount to be determined
14 at trial.

15 **ELEVENTH CAUSE OF ACTION**

16 **VIOLATION OF RIGHT TO PRIVACY, CAL. CONST., ART. 1, § 1**

17 441. Plaintiff incorporates by reference and realleges each and every
18 allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

19 442. In violation of California's constitutional right to privacy, Cal. Const.,
20 Art. 1, § 1, MindGeek obtained, used, and advertised sexually explicit pictures and
21 videos of Plaintiff.

22 443. The misappropriated images and videos depicted Plaintiff's face and
23 body in a sexually explicit manner which readily identified and distinguished
24 Plaintiff.

25 444. The GirlsDoPorn perpetrators and conspirators deceived and lied to
26 Plaintiff that the sexually explicit images and videos would not be widely posted,
27 distributed, and advertised across the internet.

28 445. Yet MindGeek intentionally intruded into Plaintiff's reasonable

1 expectation of privacy by using these pictures and videos of Plaintiff for advertising
2 and its own business and financial advantage, distributing the material across
3 MindGeek's global platforms.

4 446. Plaintiff's videos had hundreds of millions of views, and on information
5 and belief, generated millions of dollars for MindGeek.

6 447. Due to this commercial and financial success, MindGeek continued its
7 unlawful invasion of Plaintiff's privacy despite Plaintiff's explicit request for the
8 content to be removed.

9 448. MindGeek's widespread advertising and distribution of such sexually
10 explicit material across the internet and MindGeek's global platforms was a severe
11 intrusion into Plaintiff's privacy and would be highly offensive to a reasonable person.

12 449. MindGeek's knowing and wrongful conduct constitutes a violation of
13 Plaintiff's right to privacy and has caused significant harm and damages to Plaintiff,
14 including, but not limited to, mental suffering, anguish, humiliation, shame,
15 embarrassment, mortification, and other emotional distress as a direct, foreseeable,
16 and proximate result of its unconscionable conduct.

17 450. MindGeek's violation of Plaintiff's right to privacy has caused, and will
18 continue to cause, irreparable harm to Plaintiff, her reputation, and brand by
19 attributing to Plaintiff a desired career in the adult entertainment industry of which
20 she never wanted and did not consent.

21 451. MindGeek's conduct was willful and malicious in that they violated
22 Plaintiff's rights solely to benefit their business and increase profits.

23 452. MindGeek was unjustly enriched for invading Plaintiff's privacy. It
24 would be inequitable for MindGeek to retain the financial benefit of its invasion of
25 Plaintiff for its own business purposes and profit.

26 453. By virtue of MindGeek's intrusion into Plaintiff's privacy with a high
27 degree of moral turpitude, MindGeek is liable to Plaintiff for punitive damages.

28 454. By virtue of MindGeek's intrusion into Plaintiff's privacy, MindGeek is

1 liable to Plaintiff for damages in an amount to be determined at trial.

2 **TWELFTH CAUSE OF ACTION**

3 **FALSE LIGHT INVASION OF PRIVACY**

4 455. Plaintiff incorporates by reference and realleges each and every
5 allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

6 456. MindGeek's public use, distribution, and advertisement of Plaintiff's
7 name, likeness, and videos across its global platform created the false and misleading
8 impression that Plaintiff approved of, and participated in, MindGeek's business,
9 including the business of selling and advertising access to videos featuring Plaintiff.

10 457. MindGeek's public use, distribution, and advertisement of Plaintiff's
11 name, likeness, and videos across its global platform further created the false and
12 misleading impression that Plaintiff desired a career in the adult entertainment
13 industry.

14 458. These impressions are, and have always been, both misleading and false.

15 459. The misappropriated images and videos depicted Plaintiff's face and
16 body in a sexually explicit manner which readily identified and distinguished
17 Plaintiff.

18 460. MindGeek knew, should have known, or recklessly disregarded the fact
19 that using the misappropriated images and videos of Plaintiff was misleading.

20 461. Yet MindGeek intentionally intruded into Plaintiff's privacy by using
21 this content for advertising and its own business and financial advantage, distributing
22 the material across MindGeek's global platforms.

23 462. Plaintiff's videos had hundreds of millions of views, and on information
24 and belief, generated millions of dollars for MindGeek.

25 463. Due to this commercial and financial success, MindGeek continued its
26 unlawful invasion of Plaintiff's privacy despite Plaintiff's explicit request for the
27 content to be removed.

28 464. The false and misleading impression of Plaintiff created by MindGeek's

1 widespread advertising and distribution of such sexually explicit material across the
2 internet and MindGeek's global platforms was a severe intrusion into Plaintiff's
3 privacy and would be highly offensive to a reasonable person.

4 465. MindGeek's knowing, willful, and wrongful conduct constitutes a false
5 light invasion of Plaintiff's right to privacy and has caused significant harm and
6 damages to Plaintiff, including, but not limited to, mental suffering, anguish,
7 humiliation, shame, embarrassment, mortification, and other emotional distress as a
8 direct, foreseeable, and proximate result of its unconscionable conduct.

9 466. MindGeek further acted with reckless indifference as to how its use,
10 distribution, and advertisement of Plaintiff's misappropriated image and video would
11 create a false and misleading impression about Plaintiff.

12 467. MindGeek's false light invasion of Plaintiff's right to privacy has caused,
13 and will continue to cause, irreparable harm to Plaintiff, her reputation, and brand by
14 attributing to Plaintiff a desired career in the adult entertainment industry of which
15 she never wanted and did not consent.

16 468. MindGeek's conduct was willful and malicious in that they violated
17 Plaintiff's rights solely to benefit their business and increase profits.

18 469. MindGeek was unjustly enriched for invading Plaintiff's privacy. It
19 would be inequitable for MindGeek to retain the financial benefit of its invasion of
20 Plaintiff for its own business purposes and profit.

21 470. By virtue of MindGeek's intrusion into Plaintiff's privacy with a high
22 degree of moral turpitude, MindGeek is liable to Plaintiff for punitive damages.

23 471. By virtue of MindGeek's intrusion into Plaintiff's privacy, MindGeek is
24 liable to Plaintiff for damages in an amount to be determined at trial.

25 **THIRTEENTH CAUSE OF ACTION**

26 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

27 472. Plaintiff incorporates by reference and realleges each and every
28 allegation set forth in the foregoing paragraphs 1-277 as if fully alleged herein.

1 473. As a direct and proximate result of knowingly benefiting from
2 participating, facilitating, aiding and abetting GirlsDoPorn's sex trafficking venture,
3 and from distributing and advertising Plaintiff's GirlsDoPorn content on MindGeek's
4 global platform and sites, MindGeek intentionally inflicted emotional distress against
5 Plaintiff.

6 474. As a direct and proximate result of knowingly hosting, and continuing to
7 host, Plaintiff's GirlsDoPorn content, without consent, long after the Department of
8 Justice shut down the GirlsDoPorn's sex trafficking venture, MindGeek intentionally
9 inflicted emotional distress against Plaintiff.

10 475. As a direct and proximate result of knowingly using and
11 misappropriating Plaintiff's name, images, videos, likeness, and/or identity, without
12 consent, on its pornographic sites to maximize views, subscriptions, and revenue,
13 MindGeek intentionally inflicted emotional distress against Plaintiff.

14 476. MindGeek's actions constitute extreme and outrageous conduct that
15 shocks the conscience.

16 477. MindGeek intended to cause and did cause Plaintiff severe emotional
17 distress. At the very least, MindGeek recklessly disregarded that its participation in,
18 facilitation, aiding and abetting the GirlsDoPorn sex trafficking venture, and
19 distribution and advertising of Plaintiff's sexually explicit content would cause
20 Plaintiff severe emotional distress.

21 478. Because MindGeek intentionally inflicted extreme emotional distress on
22 Plaintiff, they are liable to Plaintiff for damages suffered and will in the future
23 continue to suffer as a direct and proximate result.

24 479. MindGeek was unjustly enriched for intentionally inflicting emotional
25 distress on Plaintiff. It would be inequitable for MindGeek to retain the financial
26 benefit of its distress on Plaintiff for its own business purposes and profit.

27 480. By virtue of acting intentionally, outrageously, and with a high degree
28 of moral turpitude, MindGeek is liable to Plaintiff for punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment in her favor and against Defendants, jointly and severally, in amounts to be determined at trial, as follows:

(a) Awarding Plaintiff all compensatory, general, special, and consequential damages, including economic and noneconomic damages and reputational harm;

(b) Awarding Plaintiff restitution for all monies Defendants earned marketing, selling, and exploiting Plaintiff's name, images, and videos;

(c) Awarding Plaintiff punitive and exemplary damages against Defendants;

(d) Awarding Plaintiff all damages allowed by 15 U.S.C. §§ 1125, 1116, and 1117, including all actual and consequential damages sustained by Plaintiff, including all economic damages and losses, disgorgement of profits attributable to Defendants' misappropriation of the Plaintiff's images, likenesses, and/or identity as well as treble damages and reasonable attorneys' fees;

(e) Awarding Plaintiff attorney fees as may otherwise be permitted by law;

(f) Awarding Plaintiff costs and expenses, including expert fees and costs;

(g) Awarding Plaintiff pre and post judgment interest at the maximum legal rate;

(h) Permanently enjoining Defendants from using Plaintiff's videos as well as her name, images, likeness and/or identity in any manner and/or profiting therefrom;

(i) Declaring the Defendants as alter egos; and

(j) Granting such further and other relief as this Court deems just and equitable.

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1 DATED: September 8, 2023

BOUCHER LLP

2
3 By: /s/ Raymond P. Boucher

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JURY TRIAL DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

DATED: September 8, 2023

BOUCHER LLP

By: /s/ Raymond P. Boucher

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DATED: September 8, 2023

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